



## CITY OF ALAMEDA • CALIFORNIA

SPECIAL MEETING OF THE CITY COUNCIL  
TUESDAY - - - APRIL 5, 2005 - - - 5:30 P.M.

Time: Tuesday, April 5, 2005, 5:30 p.m.

Place: City Council Chambers Conference Room, City Hall, corner  
of Santa Clara Avenue and Oak Street.

Agenda:

1. Roll Call.

2. Public Comment on Agenda Items Only.

Anyone wishing to address the Council on agenda items only may  
speak for a maximum of 3 minutes per item.

3. Adjournment to Closed Session to consider:

3-A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: City Attorney.


3-B. CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: Human Resources Director and Craig  
Jory.

Employee Organizations: Police Association Non-Sworn (PANS),  
International Brotherhood of  
Electrical Workers (IBEW) and  
Management and Confidential  
Employees Association (MCEA).

4. Announcement of Action Taken in Closed Session, if any.

Adjournment

  
Beverly Johnson, Mayor



# Housing Authority of the City of Alameda

701 Atlantic Avenue - Alameda, California 94501-2161 - TEL: (510) 747-4300 - FAX: (510) 522-7848 - TDD: (510) 522-8467

## IF YOU WISH TO ADDRESS THE BOARD:

1. Please file a speaker's slip with the Executive Director, and upon recognition by the Chair, approach the rostrum and state your name; speakers are limited to 3 minutes per item.
2. Lengthy testimony should be submitted in writing and only a summary of pertinent points presented verbally.
3. Applause and demonstrations are prohibited during Board of Commissioners meetings.

## **AGENDA**

## **REGULAR MEETING OF THE BOARD OF COMMISSIONERS**

### **DATE & TIME** **LOCATION**

**Tuesday, April 5, 2005, 7:25 PM**

City Hall, Council Chambers, Room 390, 2263 Santa Clara Ave., Alameda, CA

Welcome to the Board of Commissioners of the Housing Authority of the City of Alameda meeting. Regular Board of Commissioners meetings are held on the first Tuesday of each quarter in the Council Chambers at City Hall.

### **Public Participation**

Anyone wishing to address the Board on agenda items or business introduced by Commissioners may speak for a maximum of three minutes per agenda item when the subject is before the Board. Please file a speaker's slip with the Housing Authority Executive Director if you wish to address the Board of Commissioners.

## **PLEDGE OF ALLEGIANCE**

1. **ROLL CALL** - Board of Commissioners
2. **CONSENT CALENDAR**
  - Consent Calendar items are considered routine and will be approved or accepted by one motion unless a request for removal for discussion or explanation is received from the Board of Commissioners or a member of the public.

- 2-A. Minutes of the Special Joint City Council, Board of Commissioner, and Community Improvement Commission meeting held May 27, 2004. Acceptance is recommended.
- 2-B. Minutes of the Special Board of Commissioner meeting held February 1, 2005. Acceptance is recommended.
- 2-C. Minutes of the Special Board of Commissioner meeting held March 1, 2005. Acceptance is recommended.
- 2-D. Awarding Contract for Unit Cycle Interior Painting. The Housing Commission and Acting Chief Executive Officer recommend the Board of Commissioners award a two-year interior painting contract to Pavlos Theodoropoulos Painting Co. for an amount not to exceed \$109,625.
- 2-E. Budget Revision for the Fiscal Year FY2005. The Housing Commission and Acting Chief Executive Officer recommend the Board of Commissioners approve the proposed budget revisions for FY2005 and adopt the resolution revising the budget for Esperanza.

3. AGENDA

- 3-A. Recommending Land Purchase from East Bay Municipal Utility District and to Provide for Additional Parking for Independence Plaza Residents. The Housing Commission and Acting Chief Executive Officer recommend the Board of Commissioners:
  - 1. Authorize the Chief Executive Officer or designee to enter into an agreement for the sale of real property to purchase two real estate parcels from the East Bay Municipal Utility District for the sum of \$110,800 plus closing costs; and/or
  - 2. Exchange those parcels with the City of Alameda Department of Recreation and Parks for approximately 21,000 square feet of property at Neptune Park to met the needs of Independence Plaza residents.
- 3-B. Refinancing of Parrot Village and Eagle Village and the Potential Need to Form a Single-Asset Entity to Hold Title to These Properties. This is for information purposes only.

4. ORAL COMMUNICATIONS, Non-Agenda (Public Comment)

5. COMMISSIONER COMMUNICATIONS, (Communications from the Commissioners)

6. ADJOURNMENT

\* \* \*

Note:

- \* Sign language interpreters will be available on request. Please contact Carol Weaver, Secretary, at 747-4325 voice or 522-8467 TDD at least 72 hours before the meeting to request an interpreter.

- \* Accessible seating for persons with disabilities (including those using wheelchairs) is available.
- \* Minutes of the meeting are available in large print.
- \* Audiotapes of the meeting are available on request.
- \* Please contact Carol Weaver at 747-4325 voice or 522-8467 TDD at least 72 hours prior to the meeting to request agenda materials in an alternative format, or any other reasonable accommodation that may be necessary to participate in and enjoy the benefits of the meeting.





## CITY OF ALAMEDA • CALIFORNIA

### IF YOU WISH TO ADDRESS THE COMMISSION:

1. Please file a speaker's slip with the Deputy City Clerk and upon recognition by the Chair, approach the podium and state your name; speakers are limited to three (3) minutes per item.
2. Lengthy testimony should be submitted in writing and only a summary of pertinent points presented verbally.
3. Applause and demonstration are prohibited during Commission meetings.

### SPECIAL MEETING OF COMMUNITY IMPROVEMENT COMMISSION TUESDAY - - - APRIL 5, 2005 - - - 7:27 P.M.

Location: City Council Chambers, City Hall, corner of Santa Clara Avenue and Oak Street.

#### Public Participation

Anyone wishing to address the Commission on agenda items or business introduced by Council may speak for a maximum of 3 minutes per agenda item when the subject is before the Commission. Please file a speaker's slip with the Deputy City Clerk if you wish to speak on an agenda item.

#### ROLL CALL

#### MINUTES

Minutes of the Special Community Improvement Commission (CIC) Meetings of March 1, 2005 and March 15, 2005, and the Special Joint City Council and CIC Meeting of March 15, 2005.

#### AGENDA ITEMS

1. Recommendation to accept report on the Alameda West Strategic Retail Implementation Recommendations.

#### ADJOURNMENT

\_\_\_\_\_  
Beverly Johnson, Chair  
Community Improvement Commission



## CITY OF ALAMEDA • CALIFORNIA

### IF YOU WISH TO ADDRESS THE COUNCIL:

1. Please file a speaker's slip with the Deputy City Clerk and upon recognition by the Mayor, approach the podium and state your name; speakers are limited to three (3) minutes per item.
2. Lengthy testimony should be submitted in writing and only a summary of pertinent points presented verbally.
3. Applause and demonstration are prohibited during Council meetings.

AGENDA - - - - - REGULAR MEETING OF THE CITY COUNCIL  
TUESDAY - -APRIL 5, 2005 - - - - 7:30 P.M.

[Note: Regular Council Meeting convenes at 7:30 p.m., **City Hall, Council Chambers, corner of Santa Clara Ave and Oak St.**]

The Order of Business for City Council Meeting is as follows:

1. Roll Call
2. Agenda Changes
3. Proclamations, Special Orders of the Day and Announcements
4. Consent Calendar
5. Agenda Items
6. Oral Communications, Non-Agenda (Public Comment)
7. Council Communications (Communications from Council)
8. Adjournment

### Public Participation

Anyone wishing to address the Council on agenda items or business introduced by Councilmembers may speak for a maximum of 3 minutes per agenda item when the subject is before Council. Please file a speaker's slip with the Deputy City Clerk if you wish to address the City Council.

SPECIAL MEETING OF THE CITY COUNCIL 5:30 P.M.  
CITY COUNCIL CHAMBERS CONFERENCE ROOM  
Separate Agenda (Closed Session)

SPECIAL MEETING OF THE HOUSING AUTHORITY BOARD 7:25 P.M.  
OF COMMISSIONERS, CITY COUNCIL CHAMBERS  
Separate Agenda

SPECIAL MEETING OF THE COMMUNITY IMPROVEMENT 7:27 P.M.  
COMMISSION, CITY COUNCIL CHAMBERS  
Separate Agenda

1. ROLL CALL - City Council

2. AGENDA CHANGES

3. PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

3-A. Proclamation declaring April 3-9, 2005 as the Week of the Young Child.

3-B. Update on the new main library project.

4. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Council or a member of the public.

4-A. Minutes of the Special City Council Meeting, the Special Joint City Council and Community Improvement Commission Meeting, and the Regular City Council Meeting held on March 15, 2005; and Special City Council Meetings held on March 22, 2005.

4-B. Bills for ratification.

4-C. Recommendation to accept the City of Alameda Investment Policy.

4-D. Recommendation to approve two-month Contract extension for William C. Norton for City Manager services;

- Adoption of Resolution Requesting that the Public Employee Retirement System Board Waive the 960-Hour Rule for William C. Norton.

4-E. Adoption of Resolution Approving Revised Memorandum of Understanding and Salary Resolution Between the Alameda Police Officers Association Non-Sworn Unit and the City of Alameda for the Period Commencing December 28, 2003 and Ending December 24, 2006.

4-F. Introduction of Ordinance Approving and Authorizing Execution of Lease Between the City of Alameda (Lessor) and the County of Alameda (Lessee) for Real Property Located at 1429 Oak Street. [Requires four (4) affirmative votes]

5. REGULAR AGENDA ITEMS

- 5-A. Public Hearing to consider an Appeal of the Planning Board's approval of Rezoning, R04-0002, to rezone ½ acre from R-5 to C-C; Variance, V04-0018, for a second driveway when one driveway is permitted by the Alameda Municipal Code; Use Permit, UP04-0013, for expansion of the vet clinic, and Design Review, DR04-0101, to allow a 5,300 square foot new commercial building (veterinary hospital) to replace approximately 2,000 square feet of commercial buildings, with a parking lot expansion to 23 spaces; **and adoption of related resolution.** The property is located at 1410 Everett Street, 2501 Central Avenue and 2507 Central Avenue, in the C-C Community Commercial and R-5 General Residential Zoning Districts. Applicant: Mary Applegate and Cathy Wydner. Appellant: John Barni, Jr.
- 5-B. Public Hearing to consider an Appeal of the Planning Board's approval of Design Review, DR04-0113, and Planned Development, PD04-0004, for the construction of a new 6,000 square foot community center and four detached sixteen-car garages, exterior modifications to existing apartment buildings, and other site modifications at the 615 unit Harbor Island Apartments Complex; **and adoption of related resolution.** The site is located at 433 Buena Vista Avenue within the R-4 PD, Neighborhood Residential Planned Development Zoning District. Applicant: Chris Auxier for Alameda Multi Family Ventures LLC. Appellant: Lorraine Lilley.
- 5-C. Final Passage of Ordinance Amending the Alameda Municipal Code by Amending Section 30-2 (Definitions); Amending Subsection 30-3.2 (Combining Districts); Adding a New Subsection 30-4.22 (T-Theater Combining District); and Reclassifying and Rezoning Certain Properties Within the City of Alameda to Include the Theater Combining District.
- 5-D. Final Passage of Ordinance Amending the Alameda Municipal Code by Amending Section 30-2 (Definitions) of Article I (Zoning Districts and Regulations) of Chapter XXX (Development Regulations) by Adding a New Section 30-6 (Sign Regulations) to Chapter XXX (Development Regulations).

6. ORAL COMMUNICATIONS, NON-AGENDA (Public Comment)

Any person may address the Council in regard to any matter over which the Council has jurisdiction or of which it may take cognizance, that is not on the agenda.

7. COUNCIL COMMUNICATIONS (Communications from Council)

7-A. Selection of Councilmember and alternate to serve as the Association of Bay Area Governments representative.

8. ADJOURNMENT

\*\*\*

- For use in preparing the Official Record, speakers reading a written statement are invited to submit a copy to the City Clerk at the meeting or e-mail to: lweisige@ci.alameda.ca.us
- Sign language interpreters will be available on request. Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 72 hours prior to the Meeting to request an interpreter.
- Equipment for the hearing impaired is available for public use. For assistance, please contact the City Clerk at 747-4800 or TDD number 522-7538 either prior to, or at, the Council Meeting.
- Accessible seating for persons with disabilities, including those using wheelchairs, is available.
- Minutes of the meeting available in enlarged print.
- Audio Tapes of the meeting are available upon request.
- Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 48 hours prior to the meeting to request agenda materials in an alternative format, or any other reasonable accommodation that may be necessary to participate in and enjoy the benefits of the meeting.

CITY OF ALAMEDA

Memorandum

Date: March 30, 2005

To: Honorable Mayor  
and Councilmembers

From: William C. Norton  
Acting City Manager

Re: Regular and Special City Council Meetings, Special Meeting of the  
Housing Authority Board and Special Meeting of the Community  
Improvement Commission of April 5, 2005.

Transmitted are the agendas and related materials for the Regular and Special City Council Meetings, the Special Meeting of the Housing Authority Board, and the Special Meeting of the Community Improvement Commission of April 5, 2005.

**SPECIAL MEETING OF  
THE HOUSING AUTHORITY BOARD OF COMMISSIONERS**

2. CONSENT CALENDAR

2-A. Minutes of the Special Joint City Council, Board of Commissioner, and Community Improvement Commission meeting held May 27, 2004.

Acceptance is recommended.

2-B. Minutes of the Special Board of Commissioner meeting held February 1, 2005.

Acceptance is recommended.

2-C. Minutes of the Special Board of Commissioner meeting held March 1, 2005.

Acceptance is recommended.

2-D. Awarding Contract for Unit Cycle Interior Painting.

The Housing Commission and Acting Chief Executive Officer recommend the Board of Commissioners award a two-year interior painting contract to Pavlos

Theodoropoulos Painting Co. for an amount not to exceed \$109,625.

2-E. Budget Revision for the Fiscal Year FY2005.

The Housing Commission and Acting Chief Executive Officer recommend the Board of Commissioners approve the proposed budget revisions for FY2005 and adopt the resolution revising the budget for Esperanza.

3. AGENDA

3-A. Recommending Land Purchase from East Bay Municipal Utility District and to Provide for Additional Parking for Independence Plaza Residents.

The Housing Commission and Acting Chief Executive Officer recommend the Board of Commissioners:

1. Authorize the Chief Executive Officer or designee to enter into an agreement for the sale of real property to purchase two real estate parcels from the East Bay Municipal Utility District for the sum of \$110,800 plus closing costs; and/or
2. Exchange those parcels with the City of Alameda Department of Recreation and Parks for approximately 21,000 square feet of property at Neptune Park to met the needs of Independence Plaza residents.

3-B. Refinancing of Parrot Village and Eagle Village and the Potential Need to Form a Single-Asset Entity to Hold Title to These Properties.

This is for information purposes only.

**SPECIAL MEETING OF  
THE COMMUNITY IMPROVEMENT COMMISSION**

MINUTES

Minutes of the Special Community Improvement Commission (CIC) Meetings of March 1, 2005 and March 15, 2005, and the Special Joint City Council and CIC Meeting of March 15, 2005.

It is recommended that the CIC accept the minutes of the Special Community Improvement Commission (CIC) meetings of March 1, 2005 and March 15, 2005, and the Special Joint City Council and CIC Meeting of March 15, 2005.

AGENDA ITEMS

1. Recommendation to accept report on the Alameda West Strategic Retail Implementation Recommendations.

It is recommended that the CIC receive and file the Alameda West Strategic Retail Implementations Recommendations. This report will help in the making of informed decisions to be made as part of the entitlement process for specific projects for west end planning and development.

**CITY COUNCIL AGENDA**

1. ROLL CALL - City Council
2. AGENDA CHANGES
3. PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS
- 3-A. Proclamation declaring April 3-9, 2005 as the Week of the Young Child.

At this time, the Mayor will present to Peter Stensrud of Woodstock Child Development Center a proclamation declaring April 3-9, 2005 as the Week of the Young Child.

- 3-B. Update on the new main library project.

At this time, the Library Project Manager will update the Council on the status of the new Main Library.

CONSENT CALENDAR

- 4-A. Minutes of the Special City Council Meeting, the Special Joint City Council and Community Improvement Commission Meeting, and the Regular City Council Meeting held on March 15, 2005; and Special City Council Meetings held on March 22, 2005.

The City Clerk has presented for approval the Minutes of the Special City Council Meeting, the Special Joint City Council and Community Improvement Commission Meeting, and the Regular City Council Meeting held on March 15, 2005; and Special City Council Meetings held on March 22, 2005.

- 4-B. Bills for ratification.
- 4-C. Recommendation to accept the City of Alameda Investment Policy.



It is recommended that Council approve the Investment Policy as presented. The policy affirms our fiduciary requirements to safeguard public assets.

- 4-D. Recommendation to approve two-month Contract extension for William C. Norton for City Manager services;
- Adoption of Resolution Requesting that the Public Employee Retirement System Board Waive the 960-Hour Rule for William C. Norton.

This item was placed on the agenda at the request of the City Council. The action approves a two-month contract extension for Bill Norton for City Manager services. This necessitates adopting a resolution requesting the PERS board to waive the 960-hour rule for Mr. Norton.

- 4-E. Adoption of Resolution Approving a Revised Memorandum of Understanding and Salary Resolution Between the Alameda Police Officers Association Non-Sworn Unit and the City of Alameda for the Period Commencing December 28, 2003 and Ending December 24, 2006.

It is recommended that Council approve this MOU and Salary Resolution between the Alameda Police Officers Association Non-Sworn Unit (PANS) and the City of Alameda for the period December 28, 2003 through December 24, 2006. The MOU falls within the parameters authorized previously by the City Council.

- 4-F. Introduction of Ordinance Approving and Authorizing Execution of Lease Between the City of Alameda (Lessor) and the County of Alameda (Lessee) for Real Property Located at 1429 Oak Street. [Requires four (4) affirmative votes]

This ordinance approves a five-year lease of the former Children's Library that will allow the County to continue to be located in Alameda and Alamedans will continue to benefit from their programs.

5. REGULAR AGENDA ITEMS

- 5-A. Public Hearing to consider an Appeal of the Planning Board's approval of Rezoning, R04-0002, to rezone ½ acre from R-5 to C-C; Variance, V04-0018, for a second driveway when one driveway is permitted by the Alameda Municipal Code; Use Permit, UP04-0013, for expansion of the vet clinic, and Design Review, DR04-0101, to allow a 5,300 square foot new commercial building (veterinary hospital) to replace approximately 2,000 square feet of commercial buildings, with a parking lot expansion to 23 spaces; **and adoption of related resolution.** The property is located at 1410 Everett Street, 2501 Central

Avenue and 2507 Central Avenue, in the C-C Community Commercial and R-5 General Residential Zoning Districts. Applicant: Mary Applegate and Cathy Wydner. Appellant: John Barni, Jr.

It is recommended that Council approve the rezoning of approximately 7,300 square feet from R-5 to C-C; uphold the Planning Board approval of the Use Permit; and uphold the Planning Board approval of the Design Review by adopting the draft Resolutions contained in the agenda packet. This is for the expansion of the veterinary clinic and parking lot. Should the City Council determine that the project should be denied, it is recommended that Council take action to rezone the 7,800 square feet parcel from R-5 to C-C to establish consistency with the Zoning Ordinance and General Plan and then take action to deny the project.

- 5-B. Public Hearing to consider an Appeal of the Planning Board's approval of Design Review, DR04-01113, and Planned Development, PD04-0004, for the construction of a new 6,000 square foot community center and four detached sixteen-car garages, exterior modifications to existing apartment buildings, and other site modifications at the 615 unit Harbor Island Apartments Complex; and adoption of related resolution. The site is located at 433 Buena Vista Avenue within the R-4 PD, Neighborhood Residential Planned Development Zoning District. Applicant: Chris Auxier for Alameda Multi Family Ventures LLC. Appellant: Lorraine Lilley.

It is recommended that Council uphold the Planning Board's approval of Major Design Review and Planned Development to construct a new 6,000 square-foot two-story community center, four detached multi-car garages, exterior modifications to existing apartment buildings, and other site modifications at the 615-unit Harbor Island Apartments complex. Should Council take no action, the decision of the Planning Board stands.

- 5-C. Final Passage of Ordinance Amending the Alameda Municipal Code by Amending Section 30-2 (Definitions); Amending Subsection 30-3.2 (Combining Districts); Adding a New Subsection 30-4.22 (T-Theater Combining District); and Reclassifying and Rezoning Certain Properties Within the City of Alameda to Include the Theater Combining District.

This action supports the public and private investment in the downtown theater project by establishing a Theater Overlay District and rezoning portions of the Park Street Historic Commercial District with the Theater Overlay District. This action limits the construction of new, multi-screen movie theater development and encourages the re-use of under utilized retail facilities.

- 5-D. Final Passage of Ordinance Amending the Alameda Municipal Code

by Amending Section 30-2 (Definitions) of Article I (Zoning Districts and Regulations) of Chapter XXX (Development Regulations) by Adding a New Section 30-6 (Sign Regulations) to Chapter XXX (Development Regulations).

This ordinance updates the AMC's sign regulations resulting in a more streamlined development review process and probable cost savings to the customer and/or the property owner.

7. COUNCIL COMMUNICATIONS

- 7-A. Selection of Councilmember and alternate to serve as the Association of Bay Area Governments representative.

At this time, the Mayor will select a Councilmember and an alternate to serve as the ABAG representative.



# Housing Authority of the City of Alameda

701 Atlantic Avenue - Alameda, California 94501-2161 - TEL: (510) 747-4300 - FAX: (510) 522-7848 - TDD: (510) 522-8467

## MINUTES

### SPECIAL JOINT CITY COUNCIL, BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY, AND COMMUNITY IMPROVEMENT COMMISSION MEETING OF THE CITY OF ALAMEDA HELD THURSDAY, MAY 27, 2004

The Board of Commissioners was called to order at 9:33 p.m.

#### PLEDGE OF ALLEGIANCE

#### 1. ROLL CALL

Present: Commissioners Daysog, Gilmore, Kerr, Matarrese, Torrey and Chair Johnson.

Absent: None.

#### 2. CONSENT CALENDAR

None.

#### 3. AGENDA

- 3-A. Discussion and action on Housing Authority's Section 8 Program funding shortfall. The Housing Authority Executive Director provided an update.

The Council/Board/Commission discussed the HUD program.

The Executive Director stated staff recommends termination of the Housing Assistance Payments (HAP) contracts over the baseline allocation of 1625 with Section 8 landlords effective July 1, 2004 and staff report Option 2, reduction of contract rents for Section 8 vouchers effective July 1, 2004 to meet the total amount of the monthly HUD budget formula, which is currently \$1,521,975; further stated weekly reports would be provided.

Vice Mayor/Commissioner Daysog moved approval of the staff recommendation.

Mayor/Chair Johnson clarified that the motion is to approve termination of the HAP contract over the baseline and Option 2.

Councilmember/Commissioner Kerr seconded the motion, which carried by unanimous voice vote – 6.

4. ORAL COMMUNICATIONS.

None.

5. COMMISSIONER COMMUNICATIONS.

None.

6. ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 10:01 p.m.

Attest:

\_\_\_\_\_  
Beverly Johnson, Chair

\_\_\_\_\_  
Michael T. Pucci  
Executive Director / Secretary



# Housing Authority of the City of Alameda

701 Atlantic Avenue - Alameda, California 94501-2161 - TEL: (510) 747-4300 - FAX: (510) 522-7848 - TDD: (510) 522-8467

## MINUTES

### SPECIAL MEETING OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF ALAMEDA HELD TUESDAY, FEBRUARY 1, 2005

The Board of Commissioners was called to order at 7:41 p.m.

#### PLEDGE OF ALLEGIANCE

#### 1. ROLL CALL

Present: Commissioners Daysog, deHaan, Gilmore, Matarrese, Torrey and Chair Johnson.

Absent: None.

#### 2. CONSENT CALENDAR

Commissioner Matarrese moved acceptance of the Consent Calendar. Commissioner Gilmore seconded. Motion carried unanimously. Items accepted or adopted are indicated by an asterisk.

\*2-A. Minutes of the Board of Commissioners Regular meeting held January 4, 2005. Minutes were accepted.

\*2-B. Resolution to Amend the California Housing Workers' Compensation Authority Joint Powers Agreement. The Board adopted the attached Resolution to approve changes to clarify Articles 9 and 13 of the Joint Powers Authority Agreement for workers' compensation coverage.

#### 3. AGENDA

3-A. Presentation of Audit Report for Fiscal Year Ending June 30, 2004. Executive Director Michael Pucci introduced the Housing Authority auditor, Wallace Rowe, from Wallace Rowe and Associates. Mr. Rowe provided a presentation of the audit report. He discussed the financial problems with the Section 8 program, primarily due to the loss incurred in the Section 8 Voucher program. Several things have been done to alleviate the loss for the current fiscal year. He continued by discussing the assets.

Commissioner Matarrese asked about other programs found to be under-funded. Mr. Rowe stated the Section 8 Program had a loss and all other programs broke-even. The Esperanza complex was profitable.

Commissioner deHaan asked about the \$2.2 million loss. Mr. Rowe addressed the loss on the total net assets and suggested keeping a close watch on the Section 8 program. HUD needs to be more timely in acknowledging funding amounts for the Housing Authority. It appears the Housing Authority is under-leased as far as the funding goes for the current year. He emphasized the importance of watching the use of vouchers. The previous loss occurred over a short period of time mainly because HUD had not notified the Housing Authority on its reimbursement amount until after vouchers had been issued.

Commissioner Daysog felt the Board had to make the decision to use reserves. He stated how in the past HUD encouraged housing authorities to over-subscribe vouchers. Now HUD is not reimbursing for over-subscribing. He agreed that the Housing Authority needs to stay on track and have a safety margin.

Chair Johnson suggested increasing and replenishing the amount of reserve. Mr. Rowe stated this may be difficult since the Section 8 program is barely sustaining itself. Chair Johnson expressed her concern with homelessness if the reserve is not replenished.

Chair Johnson asked about the Administrative Expenses and suggested tightening this expense. Mr. Rowe concurred; it is something to definitely be aware of. He went on to say some housing authorities are reducing staff, eliminating tenants from their programs and looking at ways to save money. He said he doesn't expect improvement in future years due to HUD.

Commissioner Gilmore said the unfortunate result is the same number of vouchers will not be issued and there will be further reductions. Mr. Rowe replied HUD is making it difficult to lease-up the number of units authorized. He went on to discuss the program.

Commissioner Gilmore questioned the Section 8 allocation. Mr. Rowe replied that HUD has changed its methodology which may result in less funding resulting in less units leased-up.

Commissioner Daysog commented on the Section 8 allocation. Mr. Rowe responded the rent per unit has been reduced because of landlord cooperation. He is not sure this will continue in the future. He went on to discuss rent reasonableness.

Chair Johnson thanked Mr. Rowe for the presentation. This report was for information purposes only.

#### 4. ORAL COMMUNICATIONS

None.

5. COMMISSIONER COMMUNICATIONS

Commissioner Torrey stated that Commissioner Daysog asked for a status report of the Section 8 program. He provided a letter submitted by Michael Pucci and a document provided by City Manager Jim Flint.

6. ADJOURNMENT

There being no further business, Chair Johnson adjourned the meeting at 8:02 p.m.

Attest:

\_\_\_\_\_  
Beverly Johnson, Chair

\_\_\_\_\_  
Michael T. Pucci  
Executive Director / Secretary





# Housing Authority of the City of Alameda

701 Atlantic Avenue - Alameda, California 94501-2161 - TEL: (510) 747-4300 - FAX: (510) 522-7848 - TDD: (510) 522-8467

## MINUTES

### SPECIAL MEETING OF THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE CITY OF ALAMEDA HELD TUESDAY, MARCH 1, 2005

The Board of Commissioners was called to order at 7:35 p.m.

#### PLEDGE OF ALLEGIANCE

#### 1. ROLL CALL

Present: Commissioners Daysog, deHaan, Gilmore, Matarrese, Torrey and Chair Johnson.

Absent: None.

#### 2. CONSENT CALENDAR

- Consent Calendar items are considered routine and will be approved or accepted by one motion unless a request for removal for discussion or explanation is received from the Board of Commissioners or a member of the public.

None.

#### 3. AGENDA

- 3-A. Recommending to authorize the Chief Executive Officer or his designee to enter into an agreement for the sale of real property to purchase two real estate parcels from the East Bay Municipal Utility District for the sum of \$110,800 plus closing costs and exchange those parcels with the City of Alameda Recreation and Parks Department for approximately 21,000 square feet of property at Neptune Park for additional parking for Independence Plaza.

Commissioner Daysog asked if there are any households living at Independence Plaza that have one car but can't park there. Executive Director Pucci responded he is not aware of any in that situation, but there may be families with more than two cars who are unable to park because of the lack of parking spaces. Creating more parking spaces will allow closer parking for residents to their units. The complex has 186 units and 124 parking spaces which doesn't allow enough parking in the front of the complex to accommodate customers and visitors.

Commissioner Daysog asked if this was more a question of convenience. Mr. Pucci said it is not a lack of parking but more for convenience. He explained by having more parking it will attract more tenants to Independence Plaza.

Commissioner Mataresse asked if there were complaints about the lack of parking by residents. Mr. Pucci responded affirmative. He said only ten families wouldn't have a parking space throughout the year. Residents have been complaining about not being near enough to their units.

Commissioner deHaan asked how long we have been working on obtaining additional parking. Mr. Pucci responded the project has been ongoing for at least five years. The number of new spaces would be about 40.

Commissioner Daysog felt the issue is mainly convenient parking versus altering a beautiful entryway to Alameda. He understands the need for additional parking if there is a shortage for households. However, when parking is for convenience he has to balance that with the effect development will have on Neptune Park.

Commissioner Gilmore asked if there are more cars on the property than were anticipated during the planning stages. Mr. Pucci indicated there are, in addition to the number of Housing Authority vehicles and customers. Commissioner Gilmore expressed her concern about how senior housing was assumed to have fewer cars, thus reduce the amount of traffic. That assumption doesn't seem to be working and she is concerned about future senior housing developments impacting traffic.

Chair Johnson asked if Housing Authority vehicles park there. Mr. Pucci explained vehicles are parked on Authority grounds behind a locked gate. These spaces are included in the 124 spaces.

Commissioner Mataresse asked if residents complain that they don't have a parking space. Mr. Pucci responded there are fewer of those complaints. Some residents have two vehicles and are only allowed one space so must park on the street.

Commissioner Mataresse asked if there is a waiting list. Mr. Pucci replied affirmative and they are informed of the parking allotment. Commissioner Mataresse would not like to see Neptune Park destroyed, but understand the benefits of getting shoreline land for the exchange. He doesn't see the need for the number of parking spaces.

Commissioner Daysog asked how many residents don't have vehicles. Mr. Pucci responded he wasn't sure but doesn't believe there are many. He explained the process and said the complaints are from residents that have two vehicles and no place to park their extra vehicle.

Commissioner Gilmore expressed her feeling that the entrance to Alameda is very special. She also explained her concern that widening this space was to accommodate parking for a second car.

Commissioner Mataresse wondered if this was the best way to spend reserves or bond proceeds for a project that is not pressing. He was not convinced the need is strong enough.

Commissioner Daysog commented that he respects the work done for the City of Alameda with Section 8 and the Harbor Island situation. He felt they were being asked to alter the green space for tenants who have two cars. He felt it would be different if the accommodation was for one car.

Chair Johnson suggested parking Housing Authority vehicles off-site in a secure area. She felt to stay in the direction of one parking space to prevent more residents from asking for two spaces. If one parking space is needed for each resident, she recommended moving Housing Authority vehicles off-site.

Commissioner Gilmore asked Commissioners to think about this in planning Alameda Point. She felt if most of the senior families have more than one car, it affects the planning for Alameda Point. This should be a factor when developing Alameda Point.

Commissioner deHaan agreed that seniors may need two cars.

The Board of Commissioners asked that the Housing Commission investigate further. Chair Johnson requested pursuing the shoreline property acquisition. Direction to staff from the Board was: how many units have no cars, one car and two cars; type of Housing Authority vehicles parked there and are there alternative sites. Commissioner Torrey suggested investigating how many residents may lose their license because of age.

- 3-B. Recommendation to authorize the Chair, Chief Executive Officer, or designee to send letters opposing the Bush Administration's proposed HUD budget and in support of full funding of the Section 8 Program, Public Housing Operating Subsidies and Capital Fund Grants.

Chair Johnson stated there is a lot of opposition to these proposals. Congress would have to approve moving some HUD programs into Commerce. Although Congress will make the decision, it is very good to send letters of support for these programs.

Commissioner Matarrese moved acceptance. Commissioner Gilmore seconded. Motion approved unanimously.

4. ORAL COMMUNICATIONS

None.

5. COMMISSIONER COMMUNICATIONS

None.

6. ADJOURNMENT

There being no further business, Chair Johnson adjourned the meeting at 7:57 p.m.

Attest:

\_\_\_\_\_  
Beverly Johnson, Chair

\_\_\_\_\_  
Michael T. Pucci  
Executive Director / Secretary



# Housing Authority of the City of Alameda

701 Atlantic Avenue - Alameda, California 94501-2161 - Tel: (510) 747-4300 - Fax: (510) 522-7848 - TDD: (510) 522-8467

March 23, 2005

TO: Honorable Chair and Members  
of the Board of Commissioners

FROM: William C. Norton  
Acting Chief Executive Officer

RE: Awarding Contract for Unit Cycle Interior Painting

## Background:

The current budget (FY05) includes maintenance contract cost for interior unit painting at Parrot Village, Independence Plaza, and HA-Owned units, which include Eagle Village, Anne B. Diamant Plaza, Rosefield Village, Parrot Gardens, Stanford House, Lincoln/Willow, the Senior Condos, and China Clipper Plaza. The total dollar amount available in this year's budget is \$42,440 and \$71,585 for next fiscal year.

## Discussion:

An invitation for bids was issued January 20, 2005. A walk through was held Thursday, February 10, 2005, so that interested contractors could inspect the apartments and discuss the scope of work. The deadline to submit bids was February 24, 2005.

Five bids were submitted; one was rejected as non-responsive. The responsive bids were provided by unit size. The cost to paint 55 units (a typical distribution in a fiscal year) would be:

Contractor	All Other Complexes
Pavlos	\$56,800
Horizon	\$57,500
Diamond	\$68,200
Nunes	\$68,875

Pavlos Theodoropoulos Painting Co. (Daly City) is the lowest responsive bidder. This company's license is up-to-date and the reference check was positive. The contractor's insurance agent has advised that the Housing Authority's insurance requirements can be met. A copy of the contract is attached as Exhibit A.

## Fiscal Impact:

If a two-year contract were to be awarded to Pavlos Painting, the cost would be \$38,040 for the current fiscal year; \$42,440 is available in the budget. Next fiscal year,

**HABOC Item #2-D  
4-5-05**

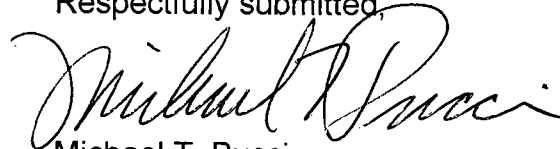
*"Dedicated to Excellence, Committed to Service"*

\$71,585 is available in the budget for inclusion in this contract. Staff estimates 106 apartments will be painted over the next two years under this contract.

Recommendation:

The Housing Commission and Acting Chief Executive Officer recommend the Board of Commissioners award a two-year interior painting contract to Pavlos Theodoropoulos Painting Co. for an amount not to exceed \$109,625.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael T. Pucci". The signature is fluid and cursive, with the first name "Michael" and last name "Pucci" clearly distinguishable.

Michael T. Pucci  
Executive Director

MTP:GL

Attachment

**CONTRACTOR AGREEMENT**

**THIS AGREEMENT**, entered into this \_\_\_\_ day of \_\_\_\_\_, by and between HOUSING AUTHORITY OF THE CITY OF ALAMEDA (hereinafter referred to as "AHA"), and Pavlos Theodoropoulos Painting Company, sole proprietor whose address is 199 Westlake Avenue, Daly City California, 94014, (hereinafter referred to as Contractor), in reference to the following:

**RECITALS:**

A. AHA is a public body, corporate and politic, duly organized and validly existing under the laws of the State of California with the power to carry on its business as it is now being conducted under the statutes of the State of California.

B. AHA and Contractor desire to enter into an agreement for an interior painting contract, in accordance with Specifications, Special Provisions and Plans, filed in the office of the AHA on January 25, 2005.

NOW, THEREFORE, it is mutually agreed by and between the undersigned as follows:

1. **TERM:**

The Contractor shall begin work within Ten (10) working days after receiving Notice to Proceed from AHA to commence the work and shall diligently prosecute the work to completion before expiration of June 30, 2006.

2. **SERVICES TO BE PERFORMED:**

Contractor agrees, at its own cost and expense, to furnish all labor, tools, equipment, materials, except as otherwise specified, and to do all work strictly in accordance with Specifications, Special Provisions and Plans, which Specifications, Special Provisions and Plans are hereby referred to and expressly made a part hereof with the same force and effect as if the same were fully incorporated herein.

3. **COMPENSATION TO CONTRACTOR:**

Contractor shall be compensated for services performed pursuant to this Agreement in the amount and manner set forth in Contractor's bid, which is attached hereto as Exhibit "B" and incorporated herein by this reference. Payment will be made in the same manner that claims of a like character are paid by the AHA, with checks drawn on the treasury of said AHA. Contract not to exceed \$109,625.00.

Payment will be made by the AHA in the following manner: On the first day of each month, Contractor shall submit a written estimate of the total amount of work done the previous month. Payment shall be made for 90 percent of the value of the work. The AHA shall retain 10 percent of the value of the work as partial security for the completion of the work by Contractor. Retained amounts shall not be construed as acceptance of defective work. No interest will be paid to Contractor on retained funds.

4. **TIME IS OF THE ESSENCE:**

Contractor and AHA agree that time is of the essence regarding the performance of this Agreement.

It is agreed by the parties to the Agreement that in case all the work called for under the Agreement is not completed before or upon the expiration of the time limit as set forth in paragraph 1 above, damage will be sustained by the AHA, and that it is and will be impracticable to determine the actual damage which the AHA will sustain in the event of and by reason of such delay and it is therefore agreed that the Contractor will pay to the AHA the sum of Two Hundred Dollars (\$200.00) per day for each and every day's delay beyond the time prescribed to complete the work; and the Contractor agrees to pay such liquidated damages as herein provided, and in case the same are not paid, agrees that the AHA may deduct the amount thereof from any money due or that may become due the Contractor under the Agreement.

It is further agreed that in case the work called for under the Agreement is not finished and completed in all parts and requirements within the time specified the AHA shall have the right to extend the time for completion or not, as may seem best to serve the interest of the AHA; and if it decides to extend the time limit for the completion of the Agreement, it shall further have the right to charge the Contractor, his or her heirs, assigns, or sureties, and to deduct from the final payment for the work, all or any part, as it may deem proper, of the actual costs and overhead expenses which are directly chargeable to the Agreement, and which shall accrue during the period of such extensions.

The Contractor shall not be assessed with liquidated damages during any delay in the completion of the work caused by an act of God or of the public enemy, acts of the AHA, fire, flood, epidemic, quarantine restriction, strikes, freight embargoes, and unusually severe weather or delays of subcontractors due to such causes; provided that the Consultant shall within one (1) day from the beginning of such delay notify the AHA in writing of the causes of delay. The AHA shall ascertain the facts and the extent of the delay and its findings of the facts thereon shall be final and conclusive.

5. **STANDARD OF CARE:**

Contractor agrees to perform all services hereunder in a manner commensurate with the prevailing standards of like professionals in the San Francisco Bay Area and agrees that all services shall be performed by qualified and experienced personnel who are not employed by the AHA nor have any contractual relationship with AHA.

6. **INDEPENDENT PARTIES:**

AHA and Contractor intend that the relation between them created by this Agreement is that of employer-independent contractor. The manner and means of conducting the work are under the control of Contractor, except to the extent they are limited by statute, rule or regulation and the express terms of this Agreement. No civil service status or other right of employment will be acquired by virtue of Contractor's services. None of the benefits provided by AHA to its employees, including but not limited to unemployment insurance, workers' compensation coverage, vacation and sick leave are available from AHA to Contractor, its employees or agents. Deductions shall not be made for any state or federal taxes, FICA payments, PERS payments, or other purposes normally associated with an employer-employee relationship from any fees due Contractor. Payments of the above items, if required, are the responsibility of Contractor.



7. **IMMIGRATION REFORM AND CONTROL ACT (IRCA):**

Contractor assumes any and all responsibility for verifying the identity and employment authorization of all of its employees performing work hereunder, pursuant to all applicable IRCA or other federal, or state rules and regulations. Contractor shall indemnify and hold AHA harmless from and against any loss, damage, liability, costs or expenses arising from any noncompliance of this provision by Contractor.

8. **NON-DISCRIMINATION:**

Consistent with AHA's policy that harassment and discrimination are unacceptable employer/employee conduct, Contractor agrees that harassment or discrimination directed toward a job applicant, an AHA employee, or a citizen by Contractor or Contractor's employee on the basis of race, religious creed, color, national origin, ancestry, handicap, disability, marital status, pregnancy, sex, age, or sexual orientation will not be tolerated. Contractor agrees that any and all violations of this provision shall constitute a breach of this Agreement.

Contractor certifies and agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, ancestry, sex, age, or condition or physical or mental handicap (as defined in 41 C.F.R. Section 60-741), in accordance with requirement of state and federal law. Contractor shall take affirmative action to ensure that qualified applicants are employed and that employees are treated during employment without regard to race, color, religion, national origin, ancestry, sex, age, or condition of physical or mental handicap in accordance with requirements of state and federal law. Such shall include, but not be limited to, the following:

- a. Employment upgrading, demotion, transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation.
- b. Selection for training, including interns and apprentices.

Contractor agrees to post in conspicuous places in each of Contractor's facilities providing services hereunder, available and open to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

Contractor shall, in all solicitations or advertisements for employees placed by or on behalf of Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, ancestry, sex, age, or condition of physical or mental handicap, in accordance with requirements of state and federal law.

Contractor shall send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding a notice advising the labor union or workers' representative of Contractor's commitments under this paragraph.

Contractor certifies and agrees that it will deal with its subcontractors, bidders, or vendors without regard to race, color, religion, national origin, ancestry, sex, age, or condition of physical or mental handicap, in accordance with requirement of state and federal law.

In accordance with applicable state and federal law, Contractor shall allow duly authorized county, state and federal representatives access to its employment records during regular business hours in order to verify compliance with the anti-discrimination provisions of this paragraph. Contractor shall provide such other information and records as such representatives may require in order to verify compliance with the anti-

discrimination provisions of this paragraph.

If the AHA finds that any of the provisions of this paragraph have been violated, the same shall constitute a material breach of Agreement upon which AHA may determine to cancel, terminate, or suspend this Agreement. While AHA reserves the right to determine independently that the anti-discrimination provisions of this Agreement have been violated, in addition, a determination by the California Fair Employment Practices Commission or the Federal Equal Employment Opportunity Commission that Contractor has violated state and federal anti-discrimination laws shall constitute a finding by AHA that Contractor has violated the anti-discrimination provisions of Agreement.

The parties agree that in the event Contractor violates any of the anti-discrimination provisions of this paragraph, AHA shall be entitled, at its option, to the sum of \$500.00 pursuant to Civil Code Section 1671 as liquidated damages in lieu of canceling, terminating, or suspending this Agreement.

Contractor hereby agrees that it will comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794), all requirements imposed by the applicable regulations (45 C.F.R.), and all guidelines and interpretations issued pursuant thereto, to the end that no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity of Contractor receiving Federal Financial Assistance. In addition, Contractor shall comply with the Uniform Federal Accessibility Standards, and Contractor, Engineer, or Architect responsible for any design, construction or alteration shall certify compliance with those Standards.

Contractor's attention is directed to laws, including but not limited to:

**A. CIVIL RIGHTS/EQUAL OPPORTUNITY**

(1) Civil Rights Act of 1964. Under Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(2) Section 109 of the Housing and Community Development Act of 1974. No person in the United States shall on the grounds of race, color, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

Section 109 of the Act further provides that any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to any program or activity funded in whole or in part with funds made available pursuant to the Act.

**B. PROGRAM ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES**

This Agreement is subject to laws and regulations concerning the rights of otherwise qualified individuals with handicaps for equal participation in, and benefit from federally assisted programs and activities including but not limited to:

(1) Nondiscrimination on the Basis of Disabilities (28 CFR 35). Title II, Subpart A of the Americans with Disabilities Act of 1990 applies to all publicly funded activities and programs.

(2) Nondiscrimination on the Basis on Handicap (24 CFR 8). These regulations implement Section 504 of the Rehabilitation Act of 1973, as amended, as cited in Section 109 of the Housing and Community Development Act.

Any federally-assisted alteration to a facility, its permanent fixtures or equipment but not including normal maintenance or repairs, roofing, interior decoration or changes to its mechanical systems, shall comply with the Uniform Federal Accessibility Standards, 1984 (41 CFR 3) and with paragraph (2) immediately below.

(3) Architectural Barrier Act of 1968. Any building or facility, excluding privately-owned residential structures, designed, constructed, or altered with federal funds shall comply with the Uniform Federal Accessibility Standards, 1984 (41 CFR 3) and the Handicapped Accessibility Requirements of the State of California Title 24. The Consultant, Engineer or Architect responsible for such design, construction or alteration shall certify compliance with the above standards.

In resolving any conflict between the accessibility standards cited in Paragraphs (1), (2) and (3) above, the more stringent standard shall apply.

9. **INDEMNIFICATION/HOLD HARMLESS:**

Contractor shall indemnify, defend, and hold harmless AHA, the City of Alameda, its City Council, boards, commissions, officers, and employees ("Indemnities") from and against any and all loss, damages, liability, claims, suits, costs and expenses whatsoever, including reasonable attorneys' fees ("Claims"), arising from or in any manner connected to Contractor's negligent act or omission, whether alleged or actual, regarding performance of services or work conducted or performed pursuant to this Agreement. If Claims are filed against Indemnities which allege negligence on behalf of the Contractor, Contractor shall have no right of reimbursement against Indemnities for the costs of defense even if negligence is not found on the part of Contractor. However, Contractor shall not be obligated to indemnify Indemnities from Claims arising from the sole or active negligence or willful misconduct of Indemnities.

10. **INSURANCE:**

On or before the commencement of the terms of this Agreement, Contractor shall furnish AHA with certificates showing the type, amount, class of operations covered, effective dates and dates of expiration of insurance coverage in compliance with paragraphs 10A, B, C and D. Such certificates, which do not limit Contractor's indemnification, shall also contain substantially the following statement: "Should any of the above insurance covered by this certificate be canceled or coverage reduced before the expiration date thereof, the insurer affording coverage shall provide thirty (30) days' advance written notice to the AHA by certified mail. It is agreed that Contractor shall maintain in force at all times during the performance of the Agreement all appropriate coverage of insurance acceptable to AHA and licensed to do insurance business in the State of California. Endorsements naming the AHA as additional insured shall be

submitted with the insurance certificates.

A. **COVERAGE:**

Contractor shall maintain the following insurance coverage:

(1) **Workers' Compensation:**

Statutory coverage as required by the State of California.

(2) **Liability:**

Commercial general liability coverage in the following minimum limits:

Bodily Injury:	\$500,000	each occurrence
	\$1,000,000	aggregate – all other
Property Damage:	\$100,000	each

occurrence

\$250,000 aggregate

If submitted, combined single limit policy with aggregate limits in the amounts of \$1,000,000 will be considered equivalent to the required minimum limits shown above.

(3) **Automotive:**

Comprehensive automobile liability coverage in the following minimum limits:

Bodily Injury:	\$500,000	each occurrence
Property Damage:	\$100,000	each

occurrence

OR

Combined Single Limit: \$500,000 each occurrence

B. **SUBROGATION WAIVER:**

Contractor agrees that in the event of loss due to any of the perils for which it has agreed to provide comprehensive general and automotive liability insurance, that Contractor shall look solely to its insurance for recovery. Contractor hereby grants to AHA, on behalf of any insurer providing comprehensive general and automotive liability insurance to either Contractor or AHA with respect to the services of Contractor herein, a waiver of any right to subrogation which any such insurer of said Contractor may acquire against AHA by virtue of the payment of any loss under such insurance.

C. **FAILURE TO SECURE:**

If Contractor, at any time during the term hereof, should fail to secure or maintain the foregoing insurance, AHA shall be permitted to obtain such insurance in the Contractor's name or as an agent of the Contractor and shall be compensated by the Contractor for the costs of the insurance premiums at the maximum rate permitted by law and computed from the date written notice is received that the premiums have not been paid.

D. **ADDITIONAL INSURED:**

AHA, its Board of Commissioners, Housing Commission, officials, and employees shall be named as an additional insured under all insurance coverages, except workers' compensation insurance. The naming of an insured shall not affect any recovery to which such additional insured would be entitled under this policy if not named as such additional insured. An additional insured named herein shall not be held liable for any premium,

deductible portion of any loss, or expense of any nature on this policy or any extension thereof. Any other insurance held by an additional insured shall not be required to contribute anything toward any loss or expense covered by the insurance provided by this policy.

**E. SUFFICIENCY OF INSURANCE:**

The insurance limits required by AHA are not represented as being sufficient to protect Contractor. Contractor is advised to consult Contractor's insurance broker to determine adequate coverage for Contractor.

**11. PROHIBITION AGAINST TRANSFERS:**

Contractor shall not assign, sublease, hypothecate, or transfer this Agreement or any interest therein directly or indirectly, by operation of law or otherwise without prior written consent of AHA. Any attempt to do so without said consent shall be null and void, and any assignee, sublessee, hypothecate or transferee shall acquire no right or interest by reason of such attempted assignment, hypothecation or transfer. However, claims for money by Consultant from AHA under this Agreement may be assigned to a bank, trust company or other financial institution without prior written consent, but written notice of such assignment shall be promptly furnished to AHA by Consultant.

The sale, assignment, transfer or other disposition of any of the issued and outstanding capital stock of Contractor, or of the interest of any general partner or joint venturer or syndicate member or cotenant if Contractor is a partnership or joint venture or syndicate or cotenancy, which shall result in changing the control of Contractor, shall be construed as an assignment of this Agreement. Control means fifty percent (50%) or more of the voting power of the corporation.

**12. SUBCONTRACTOR APPROVAL:**

Unless prior written consent from AHA is obtained, only those people and subcontractors whose names are listed in Contractor's bid shall be used in the performance of this Agreement.

Requests for subcontracting shall be submitted in writing, describing the scope of work to be subcontracted and the name of the proposed subcontractor. Such request shall set forth the total price or hourly rates used in preparing an estimated costs for the subcontractor's services. Approval of the subcontractor may, at the option of AHA, be issued in the form of a Work Order.

In the event that Contractor employs subcontractors, such subcontractors shall be required to furnish proof of worker's compensation insurance and shall also be required to carry general and automobile liability insurance in reasonable conformity to the insurance carried by Contractor. In addition, any work or services subcontracted hereunder shall be subject to each provision of this Agreement.

**13. PERMITS AND LICENSES:**

Contractor, at its sole expense, shall obtain and maintain during the term of this Agreement, all appropriate permits, certificates and licenses, including a City of Alameda business license, that may be required in connection with the performance of services hereunder.

14. **REPORTS:**

Each and every report, draft, work product, map, record and other document reproduced, prepared or caused to be prepared by Contractor pursuant to or in connection with this Agreement shall be the exclusive property of AHA.

No report, information nor other data given to or prepared or assembled by Contractor pursuant to this Agreement shall be made available to any individual or organization by Contractor without prior approval by AHA.

Contractor shall, at such time and in such form as AHA may require, furnish reports concerning the status of services required under this Agreement.

15. **RECORDS:**

Contractor shall maintain complete and accurate records with respect to sales, costs, expenses, receipts and other such information required by AHA that relate to the performance of services under this Agreement.

Contractor shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Contractor shall provide free access to such books and records to the representatives of AHA or its designees, and gives AHA the right to examine and audit same, and to make transcripts therefrom as necessary, and to allow inspection of all work, data, documents, proceedings and activities related to this Agreement. Such records, together with supporting documents, shall be kept separate from other documents and records and shall be maintained for a period of three (3) years after receipt of final payment.

16. **NOTICES:**

All notices, demands, requests or approvals to be given under this Agreement shall be given in writing and conclusively shall be deemed served when delivered personally or on the second business day after the deposit thereof in the United States mail, postage prepaid, registered or certified, addressed as hereinafter provided.

All notices, demands, requests, or approvals from Contractor to AHA shall be addressed to AHA at:

Housing Authority of the City of Alameda  
701 Atlantic Avenue  
ALAMEDA CA 94501-2161  
Attention: Gabriel Longoria Jr.

All notices, demands, requests, or approvals from AHA to Contractor shall be addressed to Contractor at:

Pavlos Theodoropoulos Painting Company  
199 Westlake Avenue  
Daly City, CA 94014

17. **RESTRICTIONS ON LOBBYING:**

This Agreement is subject to 24 C.F.R. 87 which prohibits the payment of

Federal funds to any person for influencing or attempting to influence, any public officer or employee in connection with the award, making, entering into, extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or agreement.

18. **URBAN RUNOFF MANAGEMENT:**

The Contractor shall avoid creating excess dust when breaking asphalt or concrete and during excavation and grading. If water is used for dust control, contractor shall use as little as necessary. Contractor shall take all steps necessary to keep wash water out of the streets, gutters and storm drains.

The Contractor shall develop and implement erosion and sediment control to prevent pollution of storm drains. Such control includes but is not limited to:

A. Use storm drain inlet protection devices such as sand bag barriers, filter fabric fences, block and gravel filters. (Block storm drain inlets prior to the start of the rainy season (October 15), in site de-watering activities and saw-cutting activities; shovel or vacuum saw-cut slurry and remove from the site).

B. Cover exposed piles of soil or construction material with plastic sheeting. All construction materials must be stored in containers.

C. Sweep and remove all materials from paved surfaces that drain to streets, gutters and storm drains prior to rain as well as at the end of the each work day. At the completion of the project, the street shall be washed and the wash water shall be collected and disposed of off site in an appropriate location.

D. After breaking old pavement, Contractor shall remove all debris to avoid contact with rainfall or runoff.

E. Contractor shall maintain a clean work area by removing trash, litter, and debris at the end of each work day. Contractor shall also clean up any leaks, drips, and other spills as they occur.

The objective is to ensure that the City and County of Alameda County-Wide Clean Water Program is adequately enforced. These controls should be implemented prior to the start of construction, up-graded as required, maintained during construction phases to provide adequate protection, and removed at the end of construction.

These recommendations are intended to be used in conjunction with the State's Best Management Practices Municipal and Construction Handbooks, local program guidance materials from municipalities, Section 7.1.01 of the Standard Specifications and any other appropriate documents on storm water quality controls for construction.

Failure to comply with this program will result in the issuance of noncompliance notices, citations, project stop orders or fines. The fine for noncompliance of the above program is two hundred and fifty dollars (\$250.00) per occurrence per day. The State under the Federal Clean Water Act can also impose a fine on the contractor, pursuant to Cal. Water Code §13385.

19. **TERMINATION:**

In the event Contractor hereto fails or refuses to perform any of the provisions hereof at the time and in the manner required hereunder, Contractor shall be deemed in default in the performance of this Agreement. If such default is not cured within a period of two (2) days after receipt by Contractor from AHA of written notice of default, specifying the nature of such default and the steps necessary to cure such default, AHA may terminate the Agreement forthwith by giving to the Contractor written notice thereof.

AHA shall have the option, at its sole discretion and without cause, of terminating this Agreement by giving seven (7) days' prior written notice to Contractor as provided herein. Upon termination of this Agreement, each party shall pay to the other party that portion of compensation specified in this Agreement that is earned and unpaid prior to the effective date of termination.

20. **COMPLIANCES:**

Contractor shall comply with all laws, state or federal, all City of Alameda ordinances, and rules and regulations enacted or issued by AHA.

21. **CONFLICT OF LAW:**

This Agreement shall be interpreted under, and enforced by the laws of the State of California excepting any choice of law rules which may direct the application of laws of another jurisdiction. The Agreement and obligations of the parties are subject to all valid laws, orders, rules, and regulations of the authorities having jurisdiction over this Agreement (or the successors of those authorities.) Any suits brought pursuant to this Agreement shall be filed with the Courts of the County of Alameda, the State of California.

22. **ADVERTISEMENT:**

Contractor shall not post, exhibit, display or allow to be posted, exhibited, displayed any signs, advertising, show bills, lithographs, posters or cards of any kind pertaining to the services performed under this Agreement unless prior written approval has been secured from AHA to do otherwise.

23. **WAIVER:**

A waiver by AHA of any breach of any term, covenant, or condition contained herein shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant, or condition contained herein whether of the same or a different character.

24. **SAFETY REQUIREMENTS:**

All work performed under this Agreement shall be performed in such a manner as to provide safety to the public and to meet or exceed the safety standards outlined by CAL-OSHA. AHA reserves the right to issue restraints or cease and desist orders to Contractor when unsafe or harmful acts or conditions are observed or reported relative to the performance of the work under this Agreement. Contractor shall maintain the work sites free of hazards to persons and/or property resulting from his or her operations. Any hazardous condition noted by Contractor, which is not a result of his or her operations, shall immediately be reported to AHA.



25. **REQUIREMENT TO PAY PREVAILING WAGES:**

Consistent with U.S. Department of Housing and Urban Development and State of California guidelines regarding payment of prevailing wage rates on public works projects, Contractor shall comply with all requirements set forth in Labor Code section 1770 et seq. The AHA shall require payment of the general rate of per diem wages or the general rate of per diem wages for holiday and overtime work. Contractor may be required to submit certified payroll records to the AHA for all employees and subcontractors in a pre-approved format or an AHA-provided form. Any delay in remitting certified payroll reports to the AHA upon request from the AHA will result in either delay and/or forfeit of outstanding payment to Contractor.

26. **HOURS OF OPERATION:**

Contractor shall be allowed to operate only for the hours of 8:00 a.m. to 5:00 p.m. unless prior written approval has been secured from AHA to do otherwise.

27. **NUISANCE:**

Contractor shall not maintain, commit, or permit the maintenance or commission of any nuisance in connection with the performance of services under this Agreement

28. **INTEGRATED CONTRACT:**

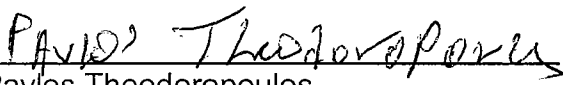
This Agreement represents the full and complete understanding of every kind or nature whatsoever between the parties hereto and all preliminary negotiations and agreements of whatsoever kind or nature are merged herein. No verbal agreement or implied covenant shall be held to vary the provisions hereof. Any modification of this Agreement will be effective only by written execution signed by both AHA and Contractor.

29. **INSERTED PROVISIONS**

Each provision and clause required by law to be inserted into the Agreement shall be deemed to be enacted herein, and the Agreement shall be read and enforced as though each were included herein. If through mistake or otherwise, any such provision is not inserted or is not correctly inserted, the Agreement shall be amended to make such insertion on application by either party.

IN WITNESS WHEREOF, the parties have caused the Agreement to be executed on the day and year first above written.

Pavlos Theodoropoulos  
Painting Company

  
Pavlos Theodoropoulos  
Sole Proprietor

HOUSING AUTHORITY  
OF THE CITY OF ALAMEDA

\_\_\_\_\_  
Michael T. Pucci  
Executive Director

z:\public\contractor agreement.doc (11/9/00)

Approved as to Form  
  
GENERAL COUNSEL

## SPECIAL PROVISIONS, SPECIFICATIONS AND PLANS

### SPECIAL PROVISIONS

#### I. GENERAL PROVISIONS

- A. WORK TO BE DONE. The work to be done consists of furnishing all labor, tools, equipment and materials, except as herein specified.
- B. ALTERATIONS. The Housing Authority reserves the right to increase or decrease the quantity of any item or portion of work, or to omit portions of the work as may be deemed necessary or expedient by the Executive Director; also to make such alterations or deviations, increases or decreases, additions or omissions in the plans and specifications, as may be determined during the progress of the work, to be necessary and advisable.
- B. EXTRA WORK. New and unforeseen work will be classed as extra work when such work cannot be covered by any of the various items or combination of items for which there is a bid price.

The Contractor shall do no extra work except upon written order from the Housing Authority.

- C. It is the Contractor's responsibility to inspect carefully and survey the work site in order to ascertain, prior to proposal submittal, the peculiar difficulties encountered due to the nature of the work site. No adjustments in payment or other contract provisions will be made due to failure on the part of the Contractor to inspect the site or otherwise inform him or herself as to the peculiar characteristics of the work site.
- D. The Contractor shall be responsible for the skills, methods and actions of his or her employees and for all work done.

#### II. CONTROL

- A. AUTHORITY OF THE HOUSING AUTHORITY. The Executive Director or designee shall decide all questions which may arise as to the quality or acceptability of materials furnished and work performed, and as to the manner of performance and rate of progress of the work; all questions which arise as to the acceptable fulfillment of the contract on the part of the Contractor; and all questions as to claims and compensation.

The Executive Director's decision shall be final and shall have executive authority to enforce and make effective such decisions and orders as the Contractor fails to carry out promptly.

- B. PLANS. All authorized alterations affecting the requirements and information given on the approved specifications shall be in writing. No changes shall be

made of any specifications after the same have been approved by the Executive Director, except by direction of the Executive Director.

Specifications not included in the original scope of work furnished by the Executive Director or designee, shall be approved by the Executive Director before any work involving these specifications shall be performed, unless approval by waived in writing by the Executive Director or designee.

It is mutually agreed, however, that approval by the Executive Director of the Contractor's working specifications does not relieve the Contractor of any responsibility for accuracy of details, and that the Contractor shall be responsible for agreement and conformity of his or her working specifications with the approved specifications.

- C. INTERPRETATION OF PLANS AND SPECIFICATIONS AND ADDENDA THERETO. Should it appear that the work to be done, or any matter relative thereto is not sufficiently detailed or explained in these specifications and special provisions, the Contractor shall apply to the Executive Director for such further explanation as may be necessary. Upon such application to further explain, clarify, or amend these specifications or special provisions, the Executive Director or designee shall issue addenda thereto and such addenda shall constitute a part hereof, and shall be binding on the Contractor. In the event of doubt or questions relative to the true meaning of the specifications and addenda, reference shall be made to the Executive Director, whose decision shall be final.

In the event of any discrepancy between any drawing and the figures written thereon, the figures shall be taken as correct.

- D. SUPERINTENDENCE. Whenever the Contractor is not present on any part of the work where it may be desired to give directions, orders will be given by the Executive Director or designee in writing and shall be received and obeyed by the superintendent or foreperson in charge of the particular work in reference to which orders are given.
- E. INSPECTION. The Executive Director or designee shall at all times have access to the job site during work hours and shall be furnished with every reasonable facility for ascertaining full knowledge respecting the progress, quality of work, and character or materials used and employed in the work.

The inspection of the work shall not relieve the Contractor of any obligations to fulfill the contract as prescribed. Defective work shall be made good and unsuitable materials may be rejected, notwithstanding the fact that such defective work and unsuitable materials have been previously overlooked by the Executive Director and accepted or estimated for payment.

- F. REMOVAL OF DEFECTIVE AND UNAUTHORIZED WORK. All work which is defective or deficient in any of the requirements of these specifications shall be

remedied, or removed and replaced by the Contractor in an acceptable manner and no compensation will be allowed for such correction.

Any work done beyond specifications established by the Executive Director, or any work done without written authority, shall be considered as unauthorized and will not be paid for.

Upon failure on the part of the Contractor to comply forthwith any order of the Executive Director made under the provisions of this article, the Executive Director shall have authority to cause defective work to be remedied, or removed and replaced, and unauthorized work to be removed, and to deduct the cost thereof from any monies due or to become due the Contractor.

### **III. CONTROLS OF MATERIALS**

- A. **SAMPLES AND TESTS.** The source of supply of each of the materials shall be approved by the Executive Director before delivery is started and before such material is used in the work. Representative preliminary samples of the character and quality prescribed shall be submitted by the Contractor or producer of all materials to be used in the work for testing or examination as desired by the Executive Director.

All tests of materials furnished by the Contractor shall be made in accordance with commonly recognized standards of national organizations and such special methods and tests as are prescribed in these specifications.

The Contractor shall furnish such samples of materials as are requested by the Executive Director without charge. No material shall be used until it has been approved by the Executive Director. Samples will be secured and tested whenever necessary to determine the quality of material.

- B. **DEFECTIVE MATERIALS.** All materials not conforming to the requirements of these specifications shall be considered as defective, and all such materials, whether in place or not, shall be rejected. They shall be removed immediately from the site of the work unless otherwise permitted by the Executive Director.

Upon failure on the part of the Contractor to comply with any order of the Executive Director made under the provisions of this article, the Executive Director shall have authority to remove and replace defective material and to deduct the cost of removal and replacement from any monies due or to become due the Contractor.

# OCCUPIED APARTMENT PROPOSAL BID BREAKDOWN WORKSHEET

(Submit with bid)

1 of 3 pages

Print name: PANOS THEODOROPoulos

Name of company: PANOS THEODOROPoulos ARTING 6

**State of California prevailing guidelines wage rates apply.**

**SPECIFICATIONS:**

1. Patching of holes ½ inch or smaller, spot prime, plus a standard paint application
2. Surface preparation of all dust or grease.
3. Work to be performed by journeyman painters only.
4. Paint to be applied by brush and roller method with the <u>exception of a vacant unit</u> . Airless paint machine may be used.
5. Paint will be Pittsburgh Paint Company or of equal color and quality . Quality type and color will be # 6-8510 White Wing semi gloss interior, paint code is # B2.5,C12.5; <u>PAINT CODE IS FOR A 5 GALLON FORMULA.</u>
At Independence Plaza, living room and bedroom(s) walls only will be flat, type 6-70, White Wing, paint code is # B2.5,C12.5; <u>PAINT CODE IS FOR A 5 GALLON FORMULA.</u>
At Independence Plaza, all other surfaces, including, kitchen, bathroom, doors and trim paint will be painted in semi gloss, White Wing, # 6-8510.
6. No paint material is to be stored in any unit.
7. Contractor must follow paint manufacture's recommendations on spread rate and thinning amounts.

**Unit Cost Per Unit Size**

1. Studio Bedroom = \$ <u>750<sup>00</sup></u>	5. Three Bedroom (2 level unit)= \$ <u>1300<sup>00</sup></u>
2. One Bedroom = \$ <u>950<sup>00</sup></u>	6. Three Bedroom (Single floor unit)= \$ <u>1200<sup>00</sup></u>
3. Two Bedroom (2 level unit) <u>1200<sup>00</sup></u>	7. Four Bedroom = \$ <u>1600<sup>00</sup></u>
4. Two Bedroom (Single floor unit) <u>1100<sup>00</sup></u>	
CONTRACTORS HOURLY WAGE \$ <u>42.40</u>	
TOTAL COST OF PROPOSED WORK \$ <u>8100<sup>00</sup></u>	

**Additional insured language:**

The additional insured document included in this package must be submitted with your written bid proposal or a written notice from your insurance agency that they will accept the language. Your bid will not be accepted if the additional insured endorsement or statement is not submitted with your bid proposal.

# VACANT APARTMENT PROPOSAL BID BREAKDOWN WORKSHEET (Submit with bid)

2 of 3 pages

Print name: PAVLOS THEODOROPoulos

Name of company: PAVLOS THEODOROPoulos PAINTING Co.

State of California prevailing guidelines wage rates apply..

## SPECIFICATIONS:

1. Patching of holes ½ inch or smaller, spot prime, plus a standard paint application
2. Surface preparation of all dust or grease.
3. Work to be performed by journeyman painters only.
4. Paint to be applied by brush and roller method with the <u>exception of a vacant unit</u> . Airless paint machine may be used.
5. Paint will be Pittsburgh Paint Company or of equal color and quality . Quality type and color will be # 6-8510 White Wing semi gloss interior, paint code is # B2.5,C12.5; <u>PAINT CODE IS FOR A 5 GALLON FORMULA.</u>
At Independence Plaza living room and bedroom(s) walls only, apartment walls will be flat, type 6-70, White Wing, paint code is # B2.5,C12.5; <u>PAINT CODE IS FOR A 5 GALLON FORMULA.</u>
At Independence plaza, kitchen, bathroom, doors and trim paint will be painted in semi gloss, White wing.
6. No paint material is to be stored in any unit.
7. Contractor must follow paint manufacture's recommendations on spread rate and thinning amounts.

## Unit Cost Per Unit Size

1. Studio Bedroom = \$ <u>750<sup>00</sup></u>	5. Three Bedroom (2 level unit)= \$ <u>1300<sup>00</sup></u>
2. One Bedroom = \$ <u>950<sup>00</sup></u>	6. Three Bedroom (Single floor unit)= \$ <u>1200<sup>00</sup></u>
3. Two Bedroom (2 level unit) <u>1200<sup>00</sup></u>	7. Four Bedroom = \$ <u>1600<sup>00</sup></u>
4. Two Bedroom (Single floor unit) <u>1100<sup>00</sup></u>	
CONTRACTORS HOURLY WAGE \$ <u>42.40</u>	

## Additional insured language:

The additional insured document included in this package must be submitted with your written bid proposal or a written notice from your insurance agency that they will accept the language. Your bid will not be accepted if the additional insured endorsement or statement is not submitted with your bid proposal.

# PRIME COAT SEALER BID BREAKDOWN WORKSHEET

(Submit with bid)

3 of 3 pages

Print name: PAULOS THEODOROU

Name of company: PAULOS THEODOROU PAINTING CO

**State of California prevailing guidelines wage rates apply.**

Zinser - Primer Sealer stain-killer or of equal quality will be used for units in need of being sealed per the specific unit specifications or with an authorized written change order signed and approved by the Housing Authority.

## Unit prime coat cost per unit size ( OCCUPIED APARTMENT)

1. Studio Bedroom = \$ <u>750<sup>00</sup></u>	5. Three Bedroom (2 level unit)= \$ <u>1300<sup>00</sup></u>
2. One Bedroom = \$ <u>950<sup>00</sup></u>	6. Three Bedroom (Single floor unit)= \$ <u>1200<sup>00</sup></u>
3. Two Bedroom (2 level unit) <u>1200<sup>00</sup></u>	7. Four Bedroom = \$ <u>1600<sup>00</sup></u>
4. Two Bedroom (Single floor unit) <u>1100<sup>00</sup></u>	
CONTRACTORS HOURLY WAGE \$ <u>42.40</u>	
TOTAL COST OF PROPOSED WORK \$ <u>8100<sup>00</sup></u>	

## Unit prime coat cost per unit size (VACANT APARTMENT)

1. Studio Bedroom = \$ <u>650<sup>00</sup></u>	5. Three Bedroom (2 level unit)= \$ <u>1200<sup>00</sup></u>
2. One Bedroom = \$ <u>850<sup>00</sup></u>	6. Three Bedroom (Single floor unit)= \$ <u>1100<sup>00</sup></u>
3. Two Bedroom (2 level unit) <u>1100<sup>00</sup></u>	7. Four Bedroom = \$ <u>1500<sup>00</sup></u>
4. Two Bedroom (Single floor unit) <u>1000<sup>00</sup></u>	
CONTRACTORS HOURLY WAGE \$ <u>42.40</u>	
TOTAL COST OF PROPOSED WORK \$ <u>7400<sup>00</sup></u>	

### Additional insured language:

The additional insured document included in this package must be submitted with your written bid proposal or a written notice from your insurance agency that they will accept the language. Your bid will not be accepted if the additional insured endorsement or statement is not submitted with your bid proposal.

### Contractor Recommendations:

Contractors are encouraged to recommend other brands of paint as long as the paint meets or exceeds the specifications. The Housing Authority reserves the right to refuse any or all recommendations. Any change approval must be approved in writing by the Maintenance Service Coordinator, Gabriel Longoria before the product can be applied.

cc: Tanya Bursey/Eileen Duffy

Paint proposal worksheet



# Housing Authority of the City of Alameda

701 Atlantic Avenue - Alameda, California 94501-2161 - Tel: (510) 747-4300 - Fax: (510) 522-7848 - TDD: (510) 522-8467

Date: March 23, 2005

To: Honorable Chair and Members  
of the Board of Commissioners

From: William C. Norton  
Acting Chief Executive Officer

RE: Budget Revision for the Fiscal Year FY2005

## Background:

On April 6, 2004, the Board of Commissioners approved the Housing Authority's budget for the two fiscal years from July 1, 2004 to June 30, 2006. HUD funding cuts had a severe negative impact on the FY2005 budget. In July 2004, a budget revision was therefore proposed and passed to reflect the changing Federal funding circumstances and its influence on the fiscal operations.

## Discussion:

More than six months have passed since the HUD funding announcements were received and corrective action taken. At this point, more information is available regarding the impact of last year's HUD changes and additional information is now available on HUD funding for calendar year 2005 and how these changes and new regulations effect the second half of FY2005.

HUD has now changed from a per unit cost method of funding for housing assistance payments to a fixed dollar budget. This means that the Housing Authority cannot spend more than the fixed dollar amount allocated to the agency. At this point, staff anticipates being able to fund up to the allocation of 1,625 vouchers. Therefore, as a result of these HUD funding changes, our HAP (housing assistance payments) will be \$18,710,000 which is \$172,345 more than the \$18,537,655 approved with the July 2004 budget revision.

**HABOC Item #2-E  
4-5-05**

*"Dedicated to Excellence, Committed to Service"*



HUD has also changed its funding method for administrative fees used to pay Housing Authority staff for intake, income certification and re-certification, unit inspection, program management and administration. These administrative fees had also been paid on a per unit basis for all units actually under lease. Beginning January 1, 2005, HUD will now pay administrative fees based on a fixed dollar amount. This change will result in the fees going up from \$1,231,184 to \$1,349,260 for FY2005. This change explains the major income improvement from budget revision number 2 in the Admin Fees/Rents budget line item.

Other income is revised up due to increased maintenance charges, move-out charges, late fees and miscellaneous other income.

Interest income is down due to last year's emergency use of reserves to pay Housing Assistance Payments in June 2004.

Salaries have been revised up to reflect retro-active acceptance of the ACEA employees union contract as of the beginning of our fiscal year.

The sundry budget was revised significantly downward because of reductions in travel and training by \$5,000, office supplies \$8,000, consultants \$21,500, annual report cost \$5,500 and miscellaneous \$27,000.

Water and sewer costs are rising so the budget is increased to current levels.

Maintenance contract costs have also been revised upward due to costs associated with increased unit turnover. A math error in revision No. 2 was discovered which also resulted in an increase in this line item.

Insurance is revised upward as part of an overall reclassification of mortgage payments, replacements reserves and insurance escrow payments. The current revision reflects bank trustees allocation of all mortgage payments. The effect is to increase insurance \$17,000, increase replacement reserves \$5,000 and reduce mortgage payments \$62,000.

Employee benefits are going up due to substantial increases in Workers Compensation premiums, Calpers retirement fees, as well as increases in health and life insurance.

Extraordinary maintenance projects (EMP's), are proposed to be postponed or deleted from the budget. The refinancing of Eagle Village and Parrot Village, however, is proceeding. Assuming the Board of Commissioners approves the bond issuance proposed in a separate report, there will be funding available for a variety of repairs and improvements at these complexes. The revised EMP schedules are attached as Exhibit B. EMP's for FY2005 have been reduced from the original budget of \$1,180,986 to \$490,043.

In addition to the above, changes have been made to some line items to reflect current income and expense levels thru just seven months of actual operations. Changes to the FY05 budget are shown on Exhibit A.

Esperanza's HUD budget must be adopted by resolution (Exhibit C).

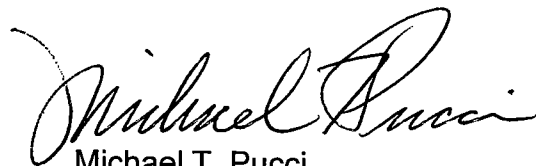
Fiscal Impact:

The last approved budget, revision number 2, showed a \$357,336 deficit in fiscal June 30, 2005, while revision number 3 shows a \$12,854 surplus. Operating surplus' are additive to the Housing Authority's accumulative operating reserve. Meanwhile, operating losses (or deficit's) are funded from operating reserves and are therefore a reduction to accumulated operating reserves.

Recommendation:

The Housing Commission and acting Chief Executive Officer recommend the Board of Commissioners approve of the proposed budget revisions for FY2005 and adopt the resolution revising the budget for Esperanza.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Pucci", written in a cursive style.

Michael T. Pucci  
Executive Director

MTP:ao  
Attachments

**Housing Authority of the City of Alameda**  
**Proposed Budget Revision # 3**  
**For the Fiscal Year Ending June 30, 2005**

Budget Line Items	General Fund		Esperanza		Parrot Village		HA Owned		Independence Plaza		Section 8 Voucher		Total All Programs	
	Rev #2 2005	Rev #3 2005	Rev #2 2005	Rev #3 2005	Rev #2 2005	Rev #3 2005	Rev #2 2005	Rev #3 2005	Rev #2 2005	Rev #3 2005	Rev #2 2005	Rev #3 2005	Rev #2 2005	Rev #3 2005
<b>Operating Income</b>														
HAP/Operating Subsidy	421,000	472,880	94,335	91,570	449,185	424,590	1,546,000	1,463,780	574,188	493,394	18,537,655	18,710,000	21,622,363	21,656,214
Admin Fees/Rents	24,500	24,500	580,958	566,300	257,057	249,550	901,422	903,570	1,195,000	1,204,340	1,231,184	1,349,260	4,190,121	4,297,520
Interest	15,914	4,000	12,731	3,220	3,183	330	42,745	11,980	12,731	1,400	0	720	87,303	21,650
Other Income	44,310	44,940	245,000	270,780	2,122	14,800	12,360	25,640	16,974	21,530	10,000	7,520	330,766	385,010
<b>Total Income</b>	<b>505,724</b>	<b>546,320</b>	<b>933,024</b>	<b>931,870</b>	<b>711,547</b>	<b>689,270</b>	<b>2,502,527</b>	<b>2,404,970</b>	<b>1,798,893</b>	<b>1,720,464</b>	<b>19,778,839</b>	<b>20,067,500</b>	<b>26,230,553</b>	<b>26,360,394</b>
<b>Operating Expenses</b>														
<b>Administrative</b>														
Total Admin. Salaries	30,129	31,727	148,300	152,965	87,675	87,397	289,674	293,955	191,887	189,239	683,725	741,566	1,431,390	1,496,848
Legal	0	0	8,124	6,000	2,476	3,960	7,762	12,400	4,821	7,240	20,085	10,400	43,268	40,000
Sundry	0	0	53,653	33,741	30,316	21,787	60,238	99,290	19,353	40,151	242,910	198,849	452,470	393,818
<b>Total Administrative</b>	<b>30,129</b>	<b>31,727</b>	<b>210,077</b>	<b>192,706</b>	<b>120,467</b>	<b>113,144</b>	<b>357,674</b>	<b>405,645</b>	<b>262,061</b>	<b>236,630</b>	<b>946,720</b>	<b>950,815</b>	<b>1,927,128</b>	<b>1,930,666</b>
<b>Tenant Services</b>														
Salaries	1,608	0	16,155	16,155	5,520	2,470	19,854	20,214	21,008	19,305	0	0	64,145	58,144
Tenant Activities	0	0	30,000	32,150	100	570	100	1,070	100	350	100	1,430	30,400	35,570
<b>Total Tenant Services</b>	<b>1,608</b>	<b>0</b>	<b>46,155</b>	<b>48,305</b>	<b>5,620</b>	<b>3,040</b>	<b>19,954</b>	<b>21,284</b>	<b>21,108</b>	<b>19,655</b>	<b>100</b>	<b>1,430</b>	<b>94,545</b>	<b>93,714</b>
<b>Utilities</b>														
Water & Sewer	0	0	75,893	93,350	56,000	56,000	72,300	96,228	65,650	37,700	4,490	340	274,333	283,618
Electricity	0	0	12,970	13,350	7,490	9,010	42,390	43,720	42,470	37,470	536	7,110	105,856	110,660
Gas	0	0	2,299	2,299	475	140	27,320	29,000	16,820	16,820	850	420	50,264	48,679
<b>Total Utilities</b>	<b>0</b>	<b>0</b>	<b>91,162</b>	<b>108,999</b>	<b>63,965</b>	<b>65,150</b>	<b>142,010</b>	<b>168,948</b>	<b>127,440</b>	<b>91,990</b>	<b>5,876</b>	<b>7,870</b>	<b>430,453</b>	<b>442,957</b>
<b>Maintenance</b>														
Salaries	4,082	3,641	137,255	141,890	139,544	134,952	320,368	319,188	182,016	188,311	2,838	12,531	786,103	800,512
Materials	0	0	30,339	27,180	16,343	22,530	61,898	52,560	34,805	31,320	1,108	4,140	144,493	141,730
Contract Costs	0	0	151,276	193,631	76,920	105,114	205,057	285,111	190,488	202,306	11,501	12,824	635,242	798,986
<b>Total Maintenance</b>	<b>4,082</b>	<b>3,641</b>	<b>318,870</b>	<b>362,701</b>	<b>232,807</b>	<b>262,595</b>	<b>587,323</b>	<b>656,860</b>	<b>407,309</b>	<b>421,937</b>	<b>15,447</b>	<b>29,494</b>	<b>1,565,838</b>	<b>1,737,228</b>
<b>General</b>														
Police Services	0	0	71,060	71,060	41,420	41,420	55,670	55,670	2,850	2,850	19,000	19,000	190,000	190,000
Insurance	0	0	23,450	18,980	12,831	14,113	36,290	36,290	31,970	52,778	33,353	33,350	137,894	155,511
Claims Account	15,000	15,000	0	0	0	0	0	0	0	0	0	0	15,000	15,000
Employee Benefits	9,159	9,159	76,535	95,136	59,039	69,210	171,380	199,860	100,177	121,220	174,160	201,570	590,450	696,155
Collection Losses	0	0	3,183	3,183	1,061	1,060	2,575	2,575	424	424	0	0	7,243	4,667
<b>Total General</b>	<b>24,159</b>	<b>24,159</b>	<b>174,228</b>	<b>188,359</b>	<b>114,351</b>	<b>125,803</b>	<b>265,915</b>	<b>291,820</b>	<b>135,421</b>	<b>177,272</b>	<b>226,513</b>	<b>253,920</b>	<b>940,587</b>	<b>1,061,333</b>
<b>Total Operating Expenses</b>	<b>59,978</b>	<b>59,526</b>	<b>840,491</b>	<b>901,070</b>	<b>537,210</b>	<b>569,732</b>	<b>1,372,876</b>	<b>1,544,557</b>	<b>953,339</b>	<b>947,484</b>	<b>1,194,656</b>	<b>1,243,529</b>	<b>4,958,550</b>	<b>5,265,898</b>
<b>Mortgage/HAP/Reserves</b>														
HAP	409,000	446,430	0	0	0	0	0	0	0	0	18,537,655	18,710,000	18,946,655	19,156,430
Mortgage	0	0	0	0	195,000	179,360	420,240	423,260	730,000	680,460	0	0	1,345,240	1,283,080
Replacement Reserve(Equip.)	1,200	1,200	2,200	2,200	0	0	5,600	5,600	5,000	5,000	4,000	4,000	18,000	18,000
Replacement Reserve(Bld.)	10,000	10,000	0	0	11,785	12,096	61,973	61,973	44,700	49,020	0	0	128,458	133,089
<b>Total Mortgage/HAP/Res</b>	<b>420,200</b>	<b>457,630</b>	<b>2,200</b>	<b>2,200</b>	<b>206,785</b>	<b>191,456</b>	<b>487,813</b>	<b>490,833</b>	<b>779,700</b>	<b>734,480</b>	<b>18,541,655</b>	<b>18,714,000</b>	<b>20,438,553</b>	<b>20,590,599</b>
<b>Capital Expenses</b>														
Replacement Equipment	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Additions	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total Capital Expenses</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Other Expenses</b>														
Extraordinary Maint.	30,300	0	512,843	294,543	36,630	33,300	280,713	123,700	320,500	38,500	0	0	1,180,986	490,043
Pre-development/Admin costs	10,000	1,000	0	0	0	0	0	0	0	0	0	0	10,000	1,000
<b>Total Other Expenses</b>	<b>40,300</b>	<b>1,000</b>	<b>512,843</b>	<b>294,543</b>	<b>36,630</b>	<b>33,300</b>	<b>280,713</b>	<b>123,700</b>	<b>320,500</b>	<b>38,500</b>	<b>0</b>	<b>0</b>	<b>1,190,986</b>	<b>491,043</b>
<b>Total Expenses</b>	<b>520,478</b>	<b>518,156</b>	<b>1,355,534</b>	<b>1,197,813</b>	<b>780,625</b>	<b>794,488</b>	<b>2,141,402</b>	<b>2,159,090</b>	<b>2,053,539</b>	<b>1,720,464</b>	<b>19,736,311</b>	<b>19,957,529</b>	<b>26,587,889</b>	<b>26,347,540</b>
<b>Transfers In/(Out)</b>	<b>(14,755)</b>	<b>28,164</b>	<b>(422,510)</b>	<b>(265,943)</b>	<b>(69,078)</b>	<b>(105,218)</b>	<b>361,125</b>	<b>245,880</b>	<b>(254,646)</b>	<b>(0)</b>	<b>42,528</b>	<b>109,971</b>	<b>(357,336)</b>	<b>12,854</b>

**SCHEDULE OF EXTRAORDINARY MAINTENANCE PROJECTS  
APPROVED AND PROPOSED FOR FY2005**

Rev. 1 in blue, Rev. 2 in green - adopted

		APPROVED FY2005	PROPOSED REVISION
<b>GENERAL FUND</b>			
GF1-05	Paint exterior of office building	\$ 30,300	\$ -
<b>TOTAL</b>		<b>\$ 30,300</b>	<b>\$ -</b>
<b>ESPERANZA</b>			
ESP1-05	Replace about 13 toilets	\$ 3,200	\$ -
ESP2-05	Replace kitchen cabinets and countertops and bathroom vanity and sinks in about 15 units	144,540	144,540
ESP3-05	Replace kitchen sinks & faucets in about 30 units	10,000	-
ESP4-05	Install gate valves for water shut off	18,000	-
ESP5-05	Install sewer cleanouts	20,000	-
ESP6-05	Irrigate main entry at Third and Brush	2,100	-
ESP7-05	Eliminated previously.	-	-
ESP8-05	Replace 12 utility meter closets	115,805	115,805
ESP9-05	Paint exterior of buildings	165,000	-
ESP10-05	Replace bath flooring in about 14 units	19,199	19,199
ESP11-05	Retrofit/repair/seal stairs in 6 units	14,999	14,999
<b>TOTAL</b>		<b>\$ 512,843</b>	<b>\$ 294,543</b>
<b>PARROT VILLAGE</b>			
PV1-05	Replace kitchen cabinets/countertops in about 40 5 units	\$ 36,630	\$ 33,300
<b>TOTAL</b>		<b>\$ 36,630</b>	<b>\$ 33,300</b>
<b>HOUSING AUTHORITY-OWNED</b>			
ABD1-05	Replace wall and base cabinets in about 10 units	\$ 55,000	\$ 55,000
ABD2-05	Install emergency back-up on all hallway lights	3,413	-
ABD3-05	Upgrade interior light fixtures in all units	6,500	-
ABD4-05	Refurbish interior of elevator	4,000	-
ABD5-05	Replace roof	85,000	-
ABD6-05	Fill cracks and seal balcony decks	23,000	23,000
RV1-05	Replace wall furnaces/central units in about 8 units	10,800	-
RV2-05	Replace wall and base cabinets in 10 units	31,500	31,500
PG1-05	Replace wall and base cabinets in 2 units	12,200	12,200
PG2-05	Replace furnaces in 2 units	4,000	-
CC5-05	Remove asbestos in 2 1 units	4,000	2,000
EV1-05	Replace cabinets and counter tops in five units	33,300	-
LW1-05	Paint exterior of building	8,000	-
<b>TOTAL</b>		<b>\$ 280,713</b>	<b>\$ 123,700</b>
<b>INDEPENDENCE PLAZA</b>			
IP1-05	Replace carpeting in corridors of one building	\$ 12,500	\$ 12,500
IP2-05	Build new parking area for 25 cars	150,000	-
IP3-05	Paint exterior of two buildings	132,000	-
IP4-05	Paint interior corridor of one building	26,000	26,000
<b>TOTAL</b>		<b>\$ 320,500</b>	<b>\$ 38,500</b>
<b>GRAND TOTAL</b>		<b>\$ 1,180,986</b>	<b>\$ 490,043</b>

**PHA/IHA Board Resolution**

Approving Operating Budget or Calculation of  
Performance Funding System Operating Subsidy

**U.S. Department of Housing  
and Urban Development**  
Office of Public and Indian Housing

OMB Approval No. 2577-0026 (Exp. 9/30/2006)

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

This information is required by Section 6(c)(4) of the U.S. Housing Act of 1937. The information is the operating budget for the low-income housing program and provides a summary of proposed/budgeted receipts and expenditures, approval of budgeted receipts and expenditures, and justification of certain specified amounts. HUD reviews the information to determine if the operating plan adopted by the PHA and the amounts are reasonable and that the PHA is in compliance with procedures prescribed by HUD. Responses are required to obtain benefits. This information does not lend itself to confidentiality.

Acting on behalf of the Board of Commissioners of the below-named Public Housing Agency (PHA)/Indian Housing Authority (IHA), as its Chairman, I make the following certifications and agreements to the Department of Housing and Urban Development (HUD) regarding the Board's approval of (check one or more as applicable):

(date)

- ☐ Operating Budget Submitted on: \_\_\_\_\_
- ☒ Operating Budget Revision Submitted on: April 5, 2005
- ☐ Calculation of Performance Funding System Submitted on: \_\_\_\_\_
- ☐ Revised Calculation of Performance Funding System Submitted on: \_\_\_\_\_

I certify on behalf of the: (PHA/IHA Name) Housing Authority of the City of Alameda  
that:

1. All regulatory and statutory requirements have been met;
2. The PHA has sufficient operating reserves to meet the working capital needs of its developments;
3. Proposed budget expenditures are necessary in the efficient and economical operation of the housing for the purpose of serving low-income residents;
4. The budget indicates a source of funds adequate to cover all proposed expenditures;
5. The calculation of eligibility for Federal funding is in accordance with the provisions of the regulations;
6. All proposed rental charges and expenditures will be consistent with provisions of law;
7. The PHA/IHA will comply with the wage rate requirements under 24 CFR 968.110(e) and (f) or 24 CFR 905.120(c) and (d);
8. The PHA/IHA will comply with the requirements for access to records and audits under 24 CFR 968.110(i) or 24 CFR 905.120(g); and
9. The PHA/IHA will comply with the requirements for the reexamination of family income and composition under 24 CFR 960.209, 990.115 and 905.315.

I hereby certify that all the information stated within, as well as any information provided in the accompaniment herewith, is true and accurate.

**Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Board Chairman's Name (type) <b>Beverly Johnson, Chair</b>	Signature	Date
---	-----------	------



# Housing Authority of the City of Alameda

701 Atlantic Avenue - Alameda, California 94501-2161 - Tel: (510) 747-4300 - Fax: (510) 522-7848 - TDD: (510) 522-8467

March 30, 2005

TO: Honorable Chair and Members  
of the Board of Commissioners

FROM: William C. Norton  
Acting Chief Executive Officer

RE: Recommending Land Purchase from East Bay Municipal Utility District and to  
Provide for Additional Parking for Independence Plaza Residents

## Background:

At the March 1, 2005, Board of Commissioner's meeting, the Board considered a proposal to purchase two real estate parcels from East Bay Municipal Utility District (EBMUD) for the sum of \$110,800 plus closing costs. This land would be exchanged for a portion of Neptune Park, which would be used for additional parking for the senior residents of Independence Plaza. The Board directed the Housing Commission to look into this issue further, especially how many units have no cars, one car and two cars.

## Discussion:

The primary reason for adding the proposed 20 spaces is to accommodate the needs of residents in Buildings 707 and 711. Some background on this issue, however, may provide a better perspective on this issue.

## **History**

Independence Plaza was constructed in 1989 and 1990. A parking lot was originally designed to go around the rear of the complex. The architect on the project confirmed this statement and advised that a copy of that original plan is in storage and not readily available. He advised that this parking lot was eliminated due to cost reasons.

Independence Plaza was approved as a Planned Unit Development, meaning it did not necessarily have to comply with all zoning and building ordinances as it went through a special design review process with the Planning Board. It was approved based on the merits of the project rather than solely on its compliance with all planning and building ordinances in effect at that time. As such, some exceptions were made in the parking requirements.

The Planning Board's resolutions approving Independence Plaza and Neptune Park were adopted at the same meeting on May 9, 1988. It appears that Neptune Park was meant to complement Independence Plaza. The Neptune Park resolution states:

**HABOC Item #3-A  
4-5-05**

The proposal will provide passive recreational open space in close proximity to residents of the proposed senior housing complex adjoining the site, which otherwise would be separated from public park facilities by an inordinate distance.

The staff report to the Planning Board dated April 25, 1988, went on to say:

Neptune Park is designed to tie in visually and functionally with the adjoining senior housing site through the use of complementary landscaping. Residents of the complex may gain access to the park through a gate in the picket fence which will define the housing project boundaries. Other park landscape features, including street trees, are intended to coordinate the appearance of the site with that of the housing project, specifically, and the Webster Street/Constitution Way entryway in general.

The purpose of Neptune Park was clearly stated by the Department of Transportation in relation to the Negative Declaration for the proposed park: "[T]his recreational facility is intended to exclusively serve residents of the proposed adjoining senior housing complex..."

### **Current Status**

According to the Alameda Municipal Code, senior housing requires  $\frac{3}{4}$  space per dwelling unit. For Independence Plaza, this would mean 140 parking spaces. In addition, the Code requires one parking space for every 300 square feet for public buildings. For the Housing Authority, that means 42 parking spaces. The Code also states "plus adequate space for visitors as determined by the Planning Director."

The current site plan (Exhibit A) shows 130 numbered parking spaces. Two of those spaces are loading zones, four are for fire lanes and two do not exist, apparently having been eliminated after numbering was established, for a net of 123 numbered parking spaces. The site also has 37 unnumbered parking spaces for residents' guests and visitors to the Housing Authority. The unnumbered spaces currently include 15 customer parking spaces and eight spaces for agency vehicles. These vehicles are kept in a locked fenced in area adjacent to the maintenance shop. This is an area that is not appropriate or safe for tenant vehicles as they would interfere with maintenance operations.

As previously mentioned, the primary reason for adding the proposed 20 spaces is to accommodate the needs of residents in Buildings 707 and 711. Although tenants currently use only 103 (92 percent) of the 112 resident and guest parking spaces, elderly tenants need parking located closer to their apartments. Buildings 707 and 711 have a total of 78 units, located in the rear of the complex with the least access to parking. The lots close to these buildings are fully occupied; therefore, it is necessary to assign these tenants parking spaces in the lots that serve the other buildings. Buildings 703, 705, and 709 have adequate parking close enough to the individual buildings. Tenants living in Buildings 707 and 711 who are assigned spaces in these

other lots must walk a considerable distance. For example, one tenant who lives in Building 707 has been assigned parking space 34. This tenant, 67 years old, must walk 400 feet each way to her car. Another tenant, 81 years old, lives in Building 711. She must walk 478 feet between her car and her apartment.

These distance problems are not isolated to the two tenants in the example given above. The minimum age for occupancy at Independence Plaza is 62 years of age. Of the tenants in the subsidized units, only 11 percent are under 70 years of age. The highest percentage (49%) fall into the 70 to 79 age range. The remaining 40 percent are 80 years of age or older. There are tenants who are 70, 80, or even 100 years old living at Independence Plaza, some of whom have to carry grocery bags to their apartments in Buildings 707 and 711. There are not enough parking spaces near Buildings 707 and 711 for the number of residents who need them. Due to the design of Independence Plaza, the proposed additional parking may be viewed as a reasonable accommodation for the seniors residing at Independence Plaza.

The additional parking at Independence Plaza may be viewed as a convenience; however, it is really a necessity to provide this "convenience" for the senior residents and for the complex to remain competitive (market-rate units).

A study, conducted by the Non-Profit Housing Association of Northern California (NPHA), shows that about 60 percent of senior households residing in apartments own vehicles. Currently 99 Independence Plaza households own vehicles; four have two vehicles using a total of 103 parking spaces. If the NPHA guidelines were adopted, 112 parking spaces for tenants would be needed. Staff is recommending a guideline of 66 percent, or 123 tenant parking spaces, plus 22 for guests, for a total of 145 tenant and guest parking spaces.

This slightly higher number of spaces than what now exists would accommodate the need for a younger, more active senior population, especially for the 56 market rate units. To remain competitive with the condos along the beach, etc., it would be an asset to have parking that is accessible and convenient to the apartment buildings.

### **Revised Proposal**

Though a comparison of existing spaces to what would be required under the Alameda Municipal Code shows a deficit of 37 parking spaces, the Housing Authority recommends adding just 20 spaces. This is a reduction of more than half of the 45 spaces proposed to be added at last month's meeting. This reduction is in recognition of the Commission's and Board's reservations about the use of parkland for parking purposes. Staff believes the smaller scale will enable the park to retain its essential nature as a gateway to the community. At a later date, with the Board of Commissioners approval, more spaces could be added if this smaller number proved to be inadequate.

A comparison of what the Alameda Municipal Code requires, assuming 15 customer parking spaces, the current number of parking spaces, and what is proposed follows:



<u>Code</u>	<u>Current</u>	<u>Proposed</u>	
<u>140</u>	112 *	145 *	Tenant and Guest Parking
<u>57</u>	<u>48</u>	<u>35</u>	Public Building Parking**
<u>197</u>	<u>160</u>	<u>180</u>	Totals

\* Spaces not in use may be assigned to staff, but staff must forfeit the space when needed by tenants.

\*\* Assumes 15 customer spaces and 8 spaces for maintenance vehicles in gated enclosure.

Due to the unique location of the Housing Authority and Independence Plaza, street parking also is not available. As such, the existing parking lot immediately in front of the office and Building 703 is taxed and congested with customer, tenant and guest parking. Customers of the shopping center and students of Alameda College across from Independence Plaza often use guest and public parking spaces. When these spaces are taken, customers and guests will sometimes park in the shopping center lot, exacerbating parking problems at that site. Additional parking would redistribute tenant parking, thus easing congestion in the customer parking lot.

As previously mentioned, one of the concerns of the Board of Commissioners and some members of the Housing Commission is the use of Neptune Park for a parking lot. Neptune Park is a little over three acres and a passive park; it provides a greenbelt at one of Alameda's gateways. In last month's proposal, the plan was to put 20 parking spaces on the east side (Constitution Way) and 25 on the west side (Webster Street) in the south end of Neptune Park. The revised plan is to reduce the number of additional parking spaces more than half to 20 (Exhibit B). By eliminating 25 proposed parking spaces, a landscaped berm or similar landscape feature could be built. This feature would reduce the visibility of the parked cars from the street. If approved, more parking could be added at a later date if the need was demonstrated. The space used for the additional parking and existing fire lane comprises about 18 percent of Neptune Park. All of the existing park's grassy lawn area would remain untouched. Exhibits C and D provide visuals of the amount of land proposed for additional tenant parking, and Exhibit E is an altered photograph of how the parking lot would look from Webster Street after exiting the tube.

Currently Independence Plaza has a fire lane easement, which encroaches upon Neptune Park. This fire access easement is approximately 2,200 square feet but the fence surrounding Independence Plaza encroaches slightly into the park. The new proposal would use approximately 4,000 square feet beyond the fence to provide 20 additional parking spaces. This proposal would have the least impact on Neptune Park.

As mentioned in last month's report, the federal government placed a deed restriction on Neptune Park when it was transferred to the City. The deed restriction limits its use to parkland, but the government will lift this restriction if additional parkland of equal value is put in place; the deed restriction would transfer to this new additional land. The Bayview Isle property (Exhibit F and G) was identified as such a property and approved by the federal government as a substitute for the Neptune Park property.

The Bayview Isle property is on the estuary next to Towata Park. Its addition to Towata Park would provide public access to the estuary as well as an extension to the Bay Trail.

There is another no-cost option where the Housing Authority or City could ask the federal government to transfer the deed restriction to property already owned by the City or Housing Authority. For example, the federal deed restrictions could be placed on approximately the same area of land at Parrot Mini-Park, which is property owned by the Housing Authority (located on the corner of Eagle and St Charles) or on City-owned property known as the Portola Triangle (located across the street from Washington Park where Eighth Street, Westline Drive and Portola Avenue converge).

Staff presented this information to the Housing Commission at its March 16, 2005, meeting. The Housing Commission voted unanimously to recommend approval of this proposal to purchase the land for exchange and to create additional parking for Independence Plaza residents.

Financial Impact:

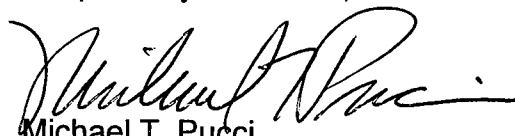
The cost to procure the EBMUD property is unchanged, \$110,800 plus \$5,000 to \$10,000 for closing costs. The Housing Authority has reserves or will have bond proceeds from the refinancing of Parrot Village and Eagle Village that could be used to cover the cost of this purchase.

Recommendation:

The Housing Commission and Acting Chief Executive Officer recommend the Board of Commissioners:

1. Authorize the Chief Executive Officer or designee to enter into an agreement for the sale of real property to purchase two real estate parcels from the East Bay Municipal Utility District for the sum of \$110,800 plus closing costs; and/or
2. Exchange those parcels with the City of Alameda Department of Recreation and Parks for approximately 21,000 square feet of property at Neptune Park to meet the needs of Independence Plaza residents.

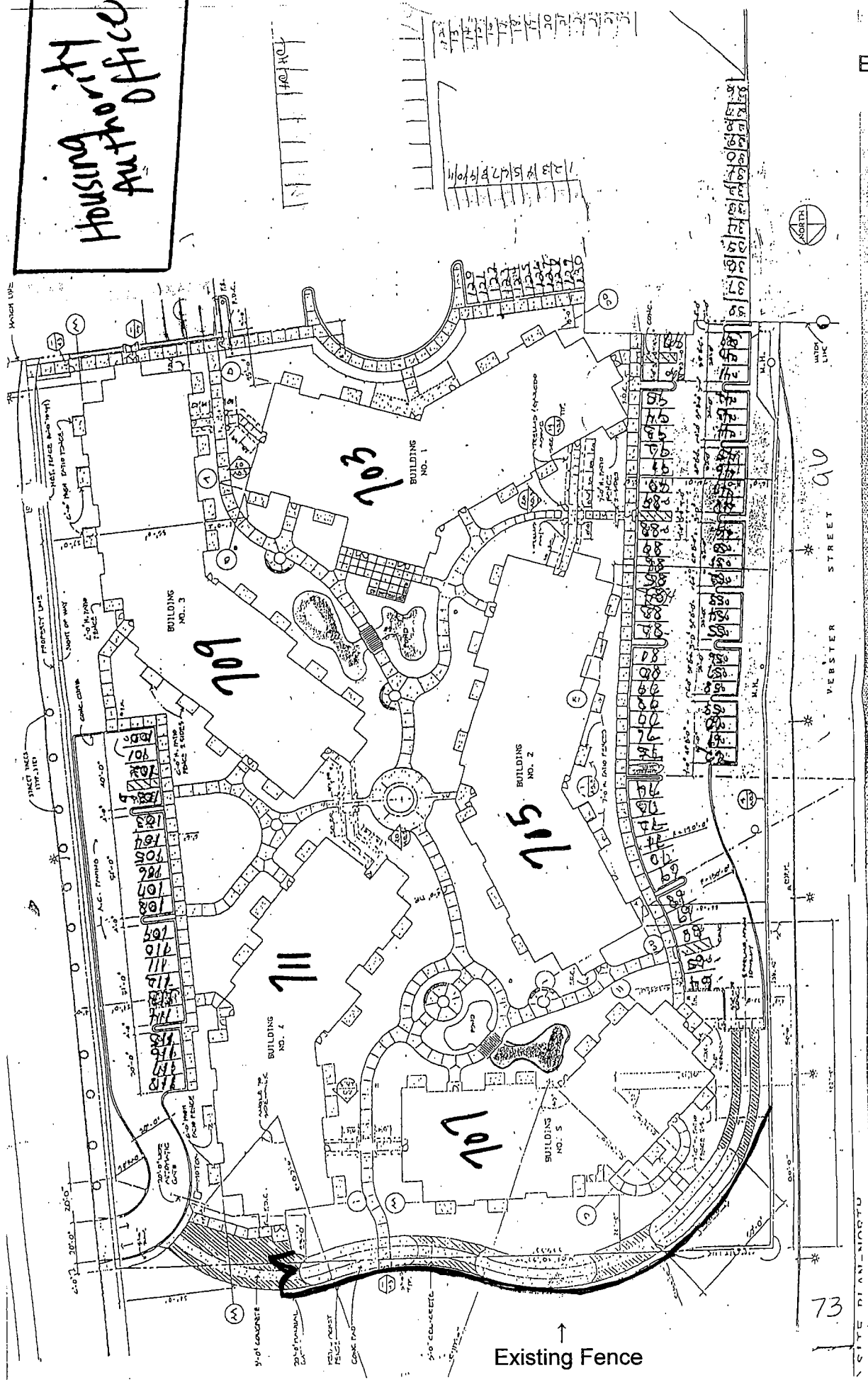
Respectfully submitted,

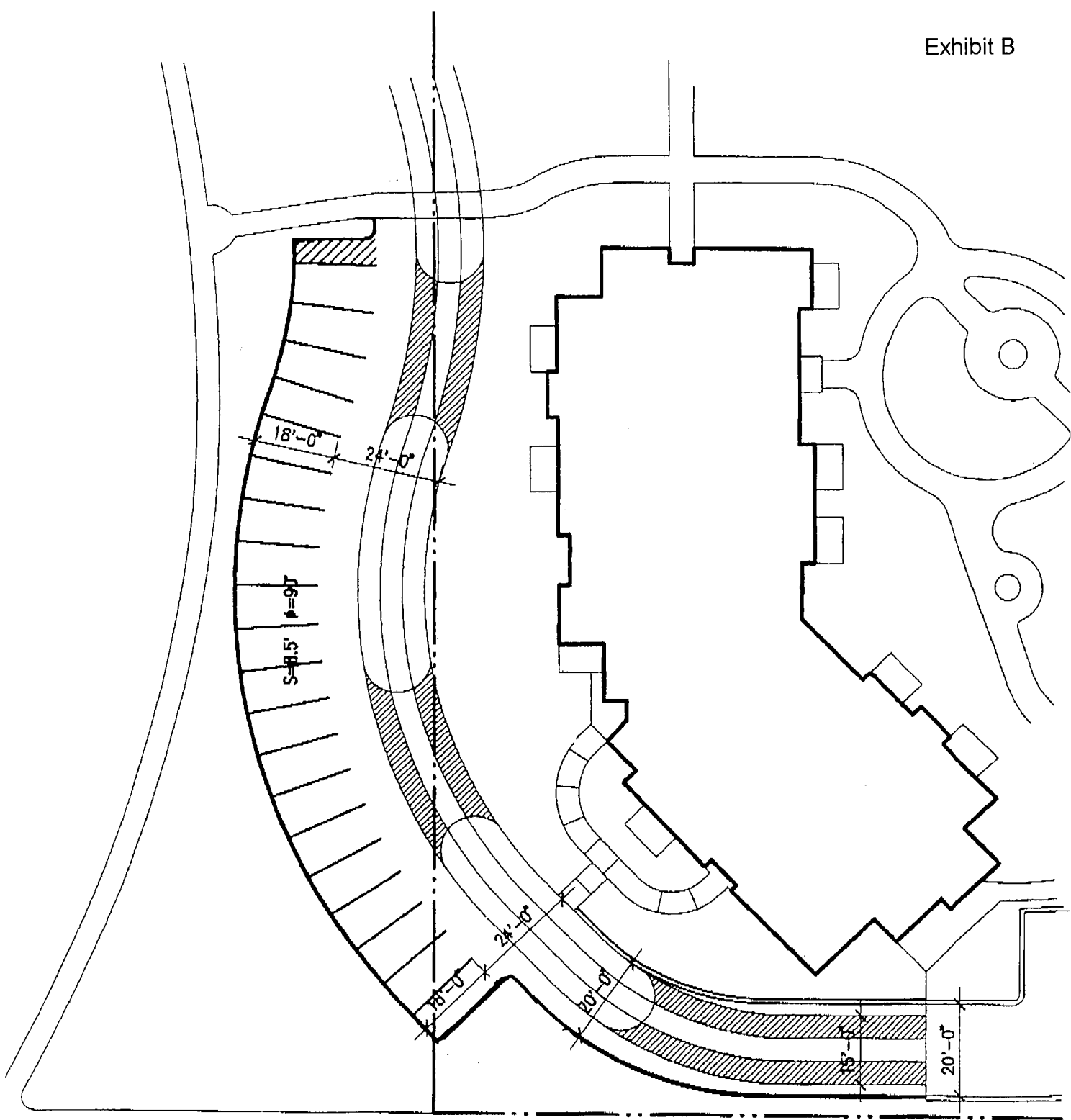


Michael T. Pucci  
Executive Director

MTP:caw  
Attachments

U:\hcreport\parking at IP





**SITE PLAN - OPTION 2**

SCALE : 1" = 30'

JOB NO. 02-299  
03-06-02

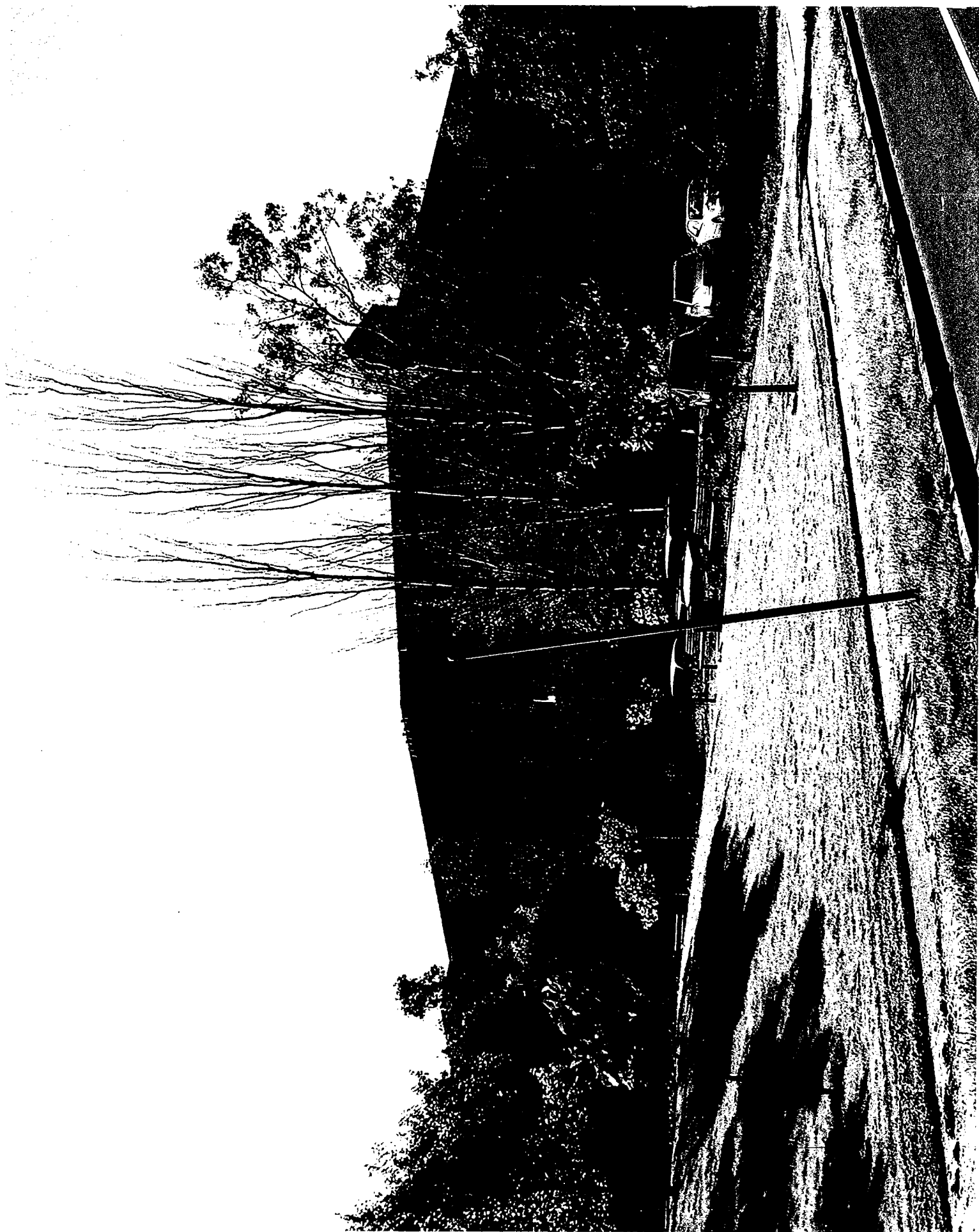
NUMBER OF SPACES : 20 STALLS

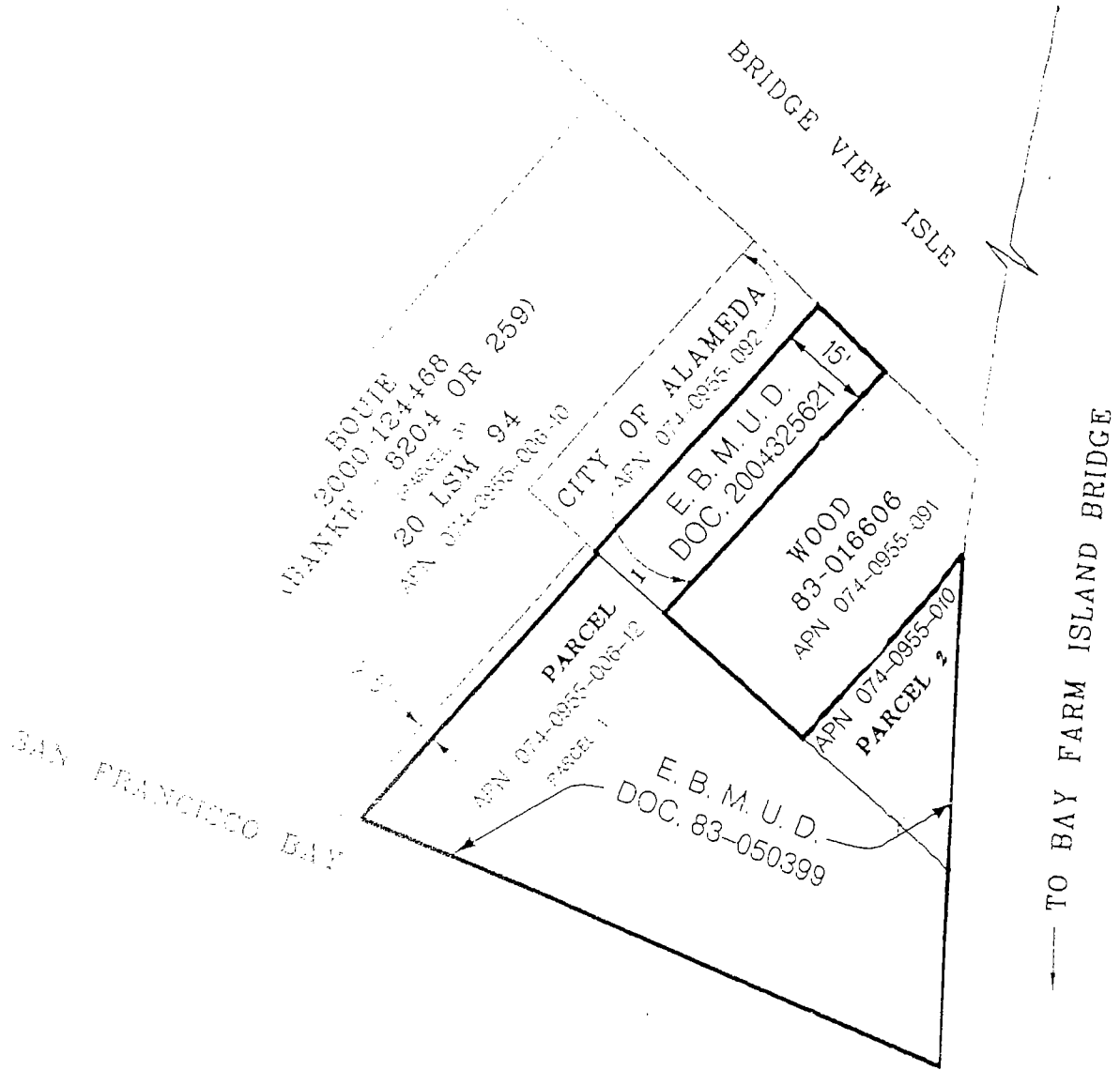
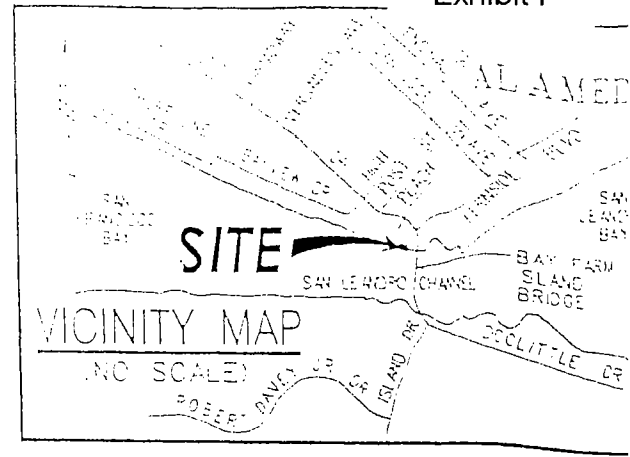
**ALAMEDA SENIOR HOUSING  
PARKING LOT STUDY**  
ALAMEDA, CALIFORNIA



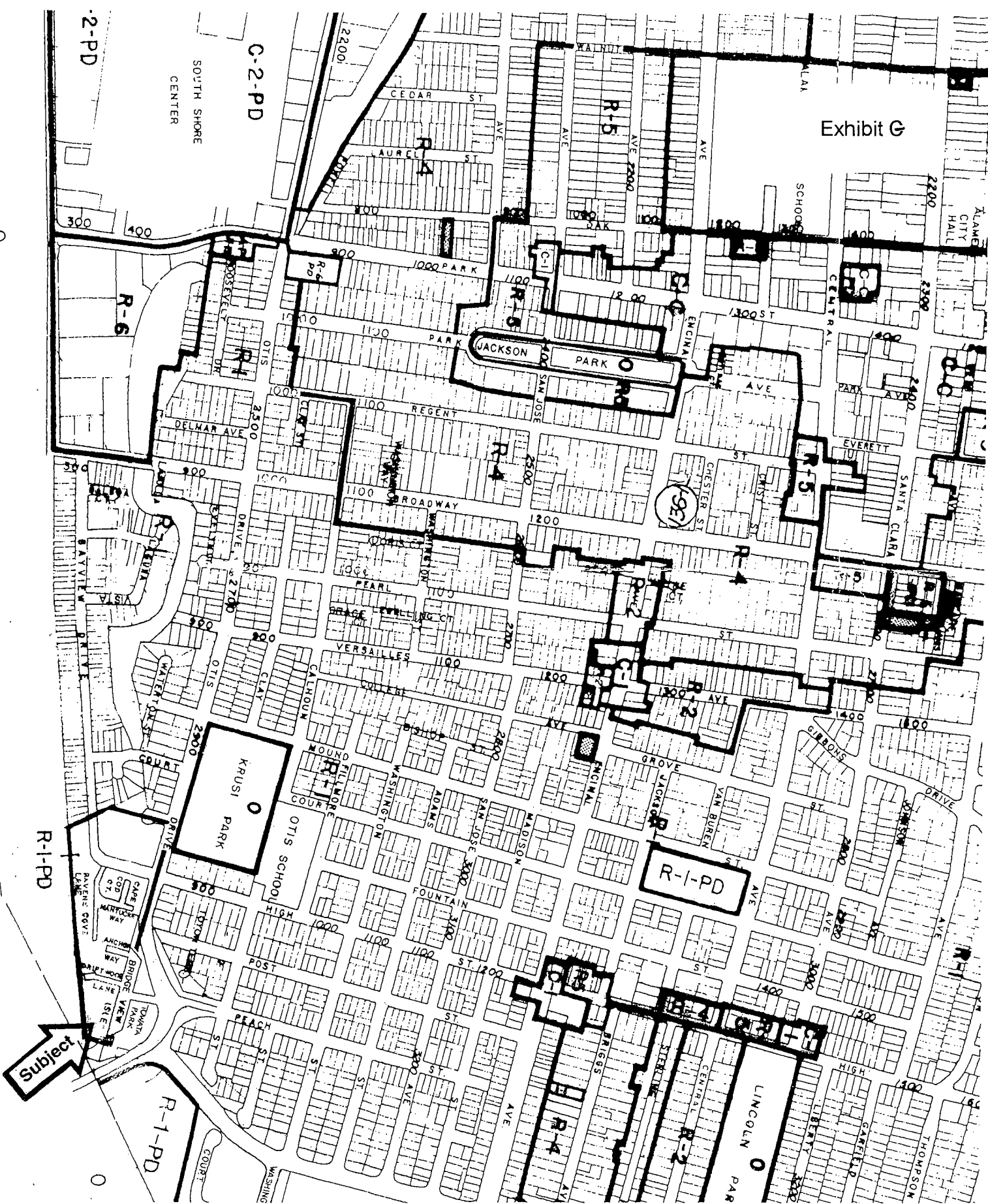












Property: Bridge View Isle, Alameda  
Sale: 1167

East Bay Municipal Utility District

AGREEMENT FOR THE SALE OF REAL PROPERTY

THIS AGREEMENT entered into this \_\_\_\_\_ day of March, 2005, by and between East Bay Municipal Utility District ("District") and the Housing Authority of the City of Alameda ("Authority") for the purchase of certain real property.

It Is Hereby Agreed As Follows:

1. District agrees to sell to Authority and Authority agrees to purchase from District upon the terms and for the consideration set forth in this Agreement, all that certain property ("property") situated in the City of Alameda, County of Alameda, State of California and described in exhibit "A" and shown in exhibit "B".

2. Consideration:

Authority agrees to pay District in cash the total sum of one hundred ten thousand eight hundred dollars (\$110,800) for the purchase of said property. Payment shall be made payable to: East Bay Municipal Utility District.

3. Term:

Except for as noted herein, the term of this Agreement shall be from the date of execution of Agreement by both parties and shall terminate upon close of escrow but no later than sixty days from date of execution of Agreement.

4. Joint Escrow Instructions:

This Agreement constitutes the joint escrow instructions of District and Authority and hereby empowers the escrow agent, to whom these instructions are delivered, to act under this Agreement. The parties hereto agree to do all acts necessary to close this escrow.

In the event the parties mutually agree to terminate this Agreement, Authority shall be responsible for payment of the escrow fees due at the time. In addition, any funds paid into the escrow account by Authority shall be refunded.

Prior to the close of escrow, Authority will deposit into escrow, or cause to be deposited into escrow, all funds and/or documents, required from Authority to enable escrow to close. District agrees to deposit with the escrow agent a Grant Deed conveying the property to Authority.

Escrow officer shall send Authority a copy of the Grant Deed and Authority shall prepare and execute a formal acceptance of Grant Deed, returning original of such to the escrow officer for recordation purposes.

Title to the property shall be vested as such: "Housing Authority of the City of Alameda, a corporate and politic public body".

The District shall convey to the Authority fee title to the property by Grant Deed. The right, title and interest in the property shall not exceed that vested in the District, and this sale is subject to all title exceptions and reservations whether or not of record. The Authority may obtain a policy of title insurance at its own expense.

Authority acknowledges receipt and acceptance of the Preliminary Title Report of the subject property, dated November 5, 2004 (#54606-54311141) prepared by North American Title Company.

Escrow services shall be provided by North American Title Company, 5980 Stoneridge Drive, Suite 116, Pleasanton, CA 94588. The escrow officer will be Evelyn Chambers. Her contact information is as follows: phone number (925) 847-9570, facsimile (925) 847-0663.

The Authority shall pay all closing costs including but not limited to escrow, title, recording, documentary stamp taxes, or other real estate transaction taxes or fees by whatever name known, although the parties should be exempt from paying transfer tax and recordation fees. It is the understanding of the parties that neither District nor the Authority has employed the services of a real estate broker in connection with this transaction.

5. When the sale has been approved by the District's Board of Directors and the Housing Authority Board of Commissioners, and all necessary funds and/or documents have been deposited into escrow, the Authority may take possession once the Grant Deed is recorded.
6. The District is selling the property in an "AS IS" physical condition and Authority accepts this, with no warranty, guarantee, representation or liability, express or implied on the part of the District as to any matter, including, but not limited to the physical condition and/or contents of and/or on the property, and/or the condition and/or possible uses of the land or any improvements thereon, the condition of the soil or the geology of the soil, the condition of the air, surface water or groundwater, the presence of known and unknown faults, the presence of any hazardous substance, materials, or other kinds of contamination or pollutants of any kind in the air, soil, groundwater, building or the suitability of the property for the construction and/or use of the improvements thereon. It shall be the sole responsibility of the Authority, at its sole cost and expense, to investigate and determine the suitability of the soil, water, geologic, environmental, physical and seismic conditions of the property, for the intended use contemplated by Authority, and to determine and comply with all building, planning, zoning and other laws and regulations relative to the property and the uses to which it can be put. Authority relies solely on Authority's own judgment, experience and investigations as to the present and future condition of the property or its suitability for Authority's intended use and is not

relying in any manner on any representation or warranty by District. Authority agrees that neither Authority, its agents, Authority officials, employees, successors or assigns shall ever claim, have or assert any right or action against District for any loss, damage or other matter arising out of, or resulting from, any hazardous substance or any other condition of the property existing at the close of escrow or from the release of any hazardous substance in, on or around any part of the property or in the soil, water, subsurface strata or ambient air by any person or entity.

As used herein, "hazardous substance" means any substance, material or waste which is or may become designated, classified or regulated as being "toxic", "hazardous" or a "pollutant" under any federal, state or local law, regulation or ordinance.

The obligations contained in this Section shall survive the expiration or other termination of this Agreement.

District has previously supplied, and Authority acknowledges receipt and acceptance of, a copy of the District-commissioned report "Commercial Natural Hazard Disclosure Report, dated 11/3/04, prepared by JCP Geologists as well as a copy of the "Commercial Property Owner's Guide to Earthquake Safety".

7. This Agreement contains the entire agreement between the parties and neither party relies upon any warranty or representation not contained in this Agreement. The Agreement may only be modified by amendment in writing signed by each party.

Mailing address of Authority:

Housing Authority of  
the City of Alameda  
Executive Director  
701 Atlantic Avenue  
Alameda, CA 94501-2161

Mailing address of District:

East Bay Municipal Utility District  
Manager of Real Estate Services  
375 11<sup>th</sup> Street/ MS 903  
Oakland, CA 94607

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

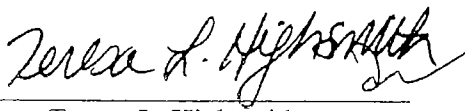
Authority

District

By: \_\_\_\_\_  
William C. Norton  
Interim Chief Executive Officer

By: \_\_\_\_\_  
Stephen J. Boeri  
Manager of Real Estate Services

Approved as to form:

By:   
Teresa L. Highsmith  
Assistant City Attorney

By: \_\_\_\_\_  
Lynelle M. Lewis  
Secretary of the District



# Housing Authority of the City of Alameda

701 Atlantic Avenue - Alameda, California 94501-2161 - Tel: (510) 747-4300 - Fax: (510) 522-7848 - TDD: (510) 522-8467

Date: March 24, 2005

To: Honorable Chair and Members  
of the Board of Commissioners

From: William C. Norton  
Acting Chief Executive Officer

RE: Refinancing of Parrot Village and Eagle Village and the Potential Need to Form  
a Single-Asset Entity to Hold Title to These Properties

## Background:

At the February 17 and April 6, 2004, meetings, the Board provided direction to staff for refinancing Parrot Village, Eagle Village, and China Clipper Plaza. At the November 3, 2004, meeting the Board approved hiring Stone & Youngberg LLC as underwriters of the bond issuance. At the April meeting, the Board of Commissioners also gave the Chief Executive Officer the flexibility to explore various methods of issuing bonds and to select the method that would be most advantageous to the Housing Authority.

## Discussion:

Staff was able to determine that tax-exempt bonds are the most cost-effective approach to refinancing the three housing complexes. Specifically, the type of bonds are called Low Floaters or Variable Rate Demand bonds. These bonds are publicly sold and secured by credit enhancement with an interest rate that is reset periodically.

Upon identification of the preferred financing method, staff has taken the following steps:

1. Requested Housing Authority General Counsel to select a Bond Counsel. The firm of Jones Hall was selected.
2. Issued a Request for Qualifications for a Bond Underwriter. On November 3, 2004, the Board of Commissioners selected Stone & Youngberg LLC.
3. Completed an ARCS Commercial Mortgage Co. application to obtain a loan commitment for credit enhancement of tax-exempt bonds under the Federal National Mortgage Association (Fannie Mae) DUS Credit Enhancement Program. Under the terms of the Program, Fannie Mae credit enhances multifamily housing revenue bonds from the time of their issuance, the proceeds of which are used to acquire or refinance multifamily housing. Fannie Mae credit enhancement enables the bonds to be rated AAA.

**HABOC Item #3-B  
4-5-05**

The Housing Authority holds title to all of its properties making it a multi-asset entity. Fannie Mae is requiring that Parrot Village and Eagle Village be transferred to a single-asset entity. Fannie Mae requires this for liability purposes regardless if the owner is a for profit, non-profit or government entity.

It is not unusual for housing authorities to form non-profit corporations to develop and finance non-HUD properties. There are many reasons to do this, but for Fannie Mae, it is primarily because if the property owner has some financial problems, its creditors would not be able to go after the properties financed by Fannie Mae. ARCS Commercial Mortgage is still trying to convince Fannie Mae not to require the Housing Authority to transfer title of the properties to a single asset entity. Should ARCS be unsuccessful, the Housing Authority is prepared to transfer Parrot and Eagle into a single asset entity as follows:

1. Form a new 501(c)(3) non-profit with the Housing Commission acting as the Board of Directors; or,
2. Form a limited liability corporation (LLC) with the Housing Authority as its only member.

Staff is recommending forming an LLC as it is simpler and quicker to do and all of the Housing Authority's property and income tax exemptions will pass through to this entity. The Housing Authority would then issue the bonds and lend the proceeds to the LLC. Staff will present a complete package of information for the refinancing of these complexes at the April 19, 2005, Board of Commissioners meeting, including resolutions approving the issuance of bonds. Tom Downey, Bond Counsel, will be present at the April 5, 2005, meeting to address questions by the Commissioners.

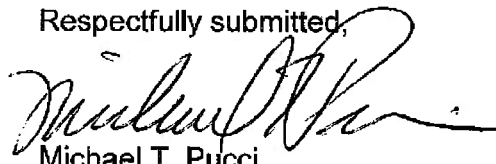
Fiscal Impact:

There will be minimal additional initial costs to the Housing Authority for forming an LLC and minimal annual administration costs for the LLC including audit fees.

Recommendation:

This is for information purposes only.

Respectfully submitted,



Michael T. Pucci  
Executive Director

MTP:caw

U:\boc reports\refi PV EV new entity

## **UNAPPROVED MINUTES**

### MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING TUESDAY - - - MARCH 1, 2005 - - - 6:40 P.M.

Chair Johnson convened the Special Meeting at 6:50 p.m.

Roll Call - Present: Commissioners Daysog, deHaan, Gilmore,  
Matarrese and Chair Johnson - 5.

Absent: None.

(05 ) Conference with Real Property Negotiators - Property: 1435  
Webster Street (Webster Parking Lot D - APN 074-0427-005-01);  
Negotiating parties: John E. Farrar Living Trust and Community  
Improvement Commission; Under negotiation: Price and terms.

Following the Closed Session, the Special Meeting was reconvened  
and Chair Johnson announced that the Commission gave direction to  
Real Property negotiators.

#### Adjournment

There being no further business, Chair Johnson adjourned the  
Special Meeting at 6:55 p.m.

Respectfully submitted,

Lara Weisiger  
Secretary, Community Improvement  
Commission

The agenda for this meeting was posted in accordance with the  
Brown Act.

**UNAPPROVED MINUTES**

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING  
TUESDAY- -MARCH 1, 2005- -7:27 P.M.

Chair Johnson convened the meeting at 8:02 p.m.

ROLL CALL - Present: Commissioners Daysog, deHaan, Gilmore,  
Matarrese and Chair Johnson - 5.

Absent: None.

MINUTES

(05- ) Minutes of the Special Community Improvement Commission (CIC) Meetings of January 18, 2005; the Special Joint City Council, CIC and Alameda Reuse and Redevelopment Authority Meeting of February 1, 2005; and the Special Joint City Council and CIC Meeting of February 15, 2005. Approved.

Commissioner Matarrese moved approval of the minutes.

Commissioner deHaan seconded the motion, which carried by unanimous voice vote - 5. Note: Chair Johnson abstained from voting on the January 18 Minutes.

AGENDA ITEM

(05- ) Recommendation to award a grant in an amount not to exceed \$5,000 from Business and Waterfront Improvement Project tax increment funds for the purchase of a used vehicle to tow the Green Machine operated by the West Alameda Business Association for the cleaning of the public sidewalk and to authorize the Executive Director to execute a standard grant agreement.

Chair Johnson stated that Robb Ratto, Park Street Business Association (PSBA) requested that she convey that PSBA is in full support of the staff recommendation.

Sherri Stieg, West Alameda Business Association (WABA), urged support of the staff recommendation; stated that additional areas would be cleaned; noted there will be a Farmer's Market every Thursday from 4:00 p.m. to 8:00 p.m. starting June 8, 2005.

Chair Johnson congratulated WABA for the success of the streetscape project.

Commissioner Matarrese moved approval of the staff recommendation.



Commissioner Gilmore seconded the motion, which carried by unanimous voice vote - 5.

ADJOURNMENT

There being no further business, Chair Johnson adjourned the meeting at 8:08 p.m.

Respectfully submitted,

Lara Weisiger  
Secretary,       Community       Improvement  
Commission

The agenda for this meeting was posted in accordance with the Brown Act.

## **UNAPPROVED MINUTES**

MINUTES OF THE SPECIAL COMMUNITY IMPROVEMENT COMMISSION MEETING  
TUESDAY - - - MARCH 15, 2005 - - - 6:35 P.M.

Chair Johnson convened the Special Meeting at 6:35 p.m.

Roll Call - Present: Commissioners Daysog, deHaan, Gilmore,  
Matarrese and Chair Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(05- ) Conference with Legal Counsel - Existing Litigation; Name  
of case: Community Improvement Commission v. Rite Aid Corporation,  
Thrifty, Payless, Inc.

Following the Closed Session, the Special Meeting was reconvened  
and Chair Johnson announced that the Commission obtained briefing  
from Legal Counsel and instruction was given.

### Adjournment

There being no further business, Chair Johnson adjourned the  
Special Meeting at 7:00 p.m.

Respectfully submitted,

Lara Weisiger  
Secretary, Community Improvement  
Commission

The agenda for this meeting was posted in accordance with the Brown  
Act.

## **UNAPPROVED MINUTES**

### MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND COMMUNITY IMPROVEMENT COMMISSION MEETING TUESDAY - - - MARCH 15, 2005 - - - 7:27 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 7:30 p.m.

ROLL CALL - Present: Councilmembers/Commissioners Daysog,  
deHaan, Gilmore, Matarrese and  
Mayor/Chair Johnson - 5.

Absent: None.

#### CONSENT CALENDAR

Councilmember/Commissioner Matarrese moved approval of the Consent Calendar.

Councilmember/Commissioner Gilmore seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*05- CC/\*05- CIC) Recommendation to approve a form of Assignment and Assumption Agreement between University Avenue Housing and Alameda Point Collaborative. Approved.

#### AGENDA ITEMS

None.

#### ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 7:31 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk  
Secretary, Community Improvement  
Commission

The agenda for this meeting was posted in accordance with the Brown Act.

Special Joint Meeting  
Alameda City Council and  
Community Improvement Commission  
March 15, 2005

**City of Alameda**  
*Memorandum*

March 22, 2005

To: Honorable Chair and Members of the Community Improvement Commission

From: William C. Norton  
Acting City Manager

Re: Presentation of Alameda West Strategic Retail Implementation Recommendations

**Background**

In Fall 2004, Linda S. Congleton and Associates was retained by the City to develop an optimal retail implementation strategy for the Alameda's west end retail areas including Alameda Point (AP), Enterprise Landing (formerly the Fleet Industrial Supply Center (FISC)), and Webster Street. Retail potential was also evaluated for South Shore as any retenanting or expansion at this shopping center would impact retail demand on the west end.

**Discussion**

The attached Alameda West Strategic Retail Implementation Report is a follow-up to several previous retail policy initiatives undertaken by the City, most recently the Citywide Retail Development Policy. The Citywide Retail Development Policy focuses on broad retail goals for the City including ensuring that new and existing retail fits with Alameda's quality of life and promoting new retail development that protects and enhances the City's existing retail base. While the Policy acknowledges market support for development of new retail on the west end, no assumptions were made about locational preferences or how to most effectively or efficiently allocate new retail development.

This study evaluates four specific locations (Alameda Point, Enterprise Landing, South Shore and Webster Street) for future retail potential given market demand (e.g., what is the achievable amount of new retail square footage, sufficiency of anchor tenants interested in the West End, and sites that optimize leasing and sales success over the long term). While this Report focuses on four sites, it is important to note that it does not dictate specific uses for specific locations but rather analyzes a fixed demand that can be addressed a number of different ways across these locations. It is anticipated that this Report will be used to assist the City in evaluating future development projects as they go through the entitlement process.

With the closure of Alameda Point and FISC, major new development opportunities have opened up on the west end of Alameda. Redevelopment of both of these properties has been underway since the 1997 adoption of the Community Reuse Plan. Four hundred and eighty-five homes are under construction at the former East Housing site, a major land planning effort is underway at

Alameda Point and 1.3 million square feet of new office and research and development space is entitled at FISC. Market factors continue to influence the redevelopment effort at both of these sites. The decline of the dotcom industry, the projected eight-to-ten year timeframe for absorbing existing office space in the Bay Area, the continued strong demand throughout the area for new housing, and demand for new retail will all dictate the AP land plan and a re-entitled project at FISC. As these planning efforts have been discussed over the past year, the maximum combined retail space suggested at AP and FISC was approximately 1 million square feet as of last summer. Recognizing that this amount of new retail space was not likely to be achievable, the City retained Linda S. Congleton and Associates to confirm the retail sales opportunity previously identified in two leakage and support analyses, and to balance that with the reality of market demand and regional competition. It was hoped that this exercise would yield information about the specific retail uses that would be successful on the west end.

As part of this effort, two stakeholder meetings were held with Alameda Point Community Partners (APCP is the master developer for Alameda Point), Catellus Development Corporation (master developer for Bayport/Enterprise Landing and the FISC site), Harsch Development (owners of South Shore) and WABA (the business association representing Webster Street). The first stakeholder meeting was held in November, 2004, to kick off the project and the second was held in March, 2005, to review the draft report. The consultant also conducted one-on-one meetings with all of the stakeholders and carefully considered their views.

The result is a report confirming that additional maximum optimum demand of 520,000 to 580,000 square feet of retail exists for the West End, assuming that all developers are able to secure the anchor tenants being targeted. This additional demand assumes that a Target and Kohl's will be added to the tenant mix at South Shore. The additional retail demand is specific rather than open-ended. The types of retail anchors most likely to be located on the west end include a grocery store and a home improvement/home furnishing store. This market assessment is based on retail voids in the market, the number of retailers attracted to the anchor retail types mentioned above and the amount of quick foods, dining establishments and small shop space that is compatible with these types of tenant mixes.

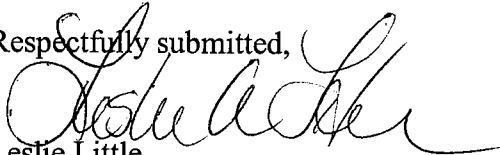
During the course of preparing this Report, the planning efforts at AP and Enterprise Landing have been on-going. The draft Alameda Point Preliminary Development Concept calls for an 115,000 square foot grocery-anchored neighborhood retail center. Catellus is exploring a mixed-use project at Enterprise Landing that could include up to 300,000 square feet of new retail and restaurant/dining space. In addition, a strategic plan is underway for Webster Street that recommends continued support of existing businesses through technical assistance, design assistance, and bolstering the business association (WABA) and better linkages between Webster Street and Alameda Point and Enterprise Landing. These efforts are consistent with the Report's general direction and recommendations.


### **Fiscal Impact**

There is no fiscal impact for receipt and filing of the Alameda West Strategic Retail Implementation Report.

**Recommendation**

As west end planning/development efforts continue to evolve, it is anticipated that this Report will help make informed decisions as part of the entitlement process for specific projects. Therefore, it is recommended that the Community Improvement Commission receive and file the report.

Respectfully submitted,  
  
Leslie Little  
Development Services Director

  
By: Debbie Potter  
Base Reuse and Redevelopment Manager

LL/DP:if

Attachment

---

**LINDA S. CONGLETON & ASSOCIATES**

---

Strategic Real Estate Retail Market Consultation & Research

31726 Rancho Viejo Road, Suite 108  
San Juan Capistrano, CA 92675  
(949) 487-2000  
FAX: (949) 487-2077  
e-mail: lscongletonassoc@aol.com

March 15, 2005

Ms. Debbie Potter  
Base Reuse & Redevelopment Manager  
Development Services  
950 West Mall Square, Room 215  
Alameda, CA 94501-7552

P-473

**SUBJECT: Alameda West Strategic Retail Implementation Recommendations**

Dear Ms. Potter:

Linda S. Congleton & Associates was retained to determine the optimal retail implementation strategy for the City of Alameda's West End retail areas, including Catellus Development's Enterprise Landing site, Webster Street and Alameda Point.

**SCOPE OF WORK**

Over the last three months, we have:

- conducted in-field evaluations of the sites;
- participated in two Stakeholder meetings attended by representatives of Catellus, Alameda Point, South Shore and the West Alameda Business Association;
- conducted additional one-on-one meetings and participated in telephone conversations with the Stakeholder representatives;
- reviewed previously prepared retail reports submitted to us;
- analyzed Alameda demographics and prepared a grocery store demand analysis based on current and planned trade area housing;
- evaluated proposed leasing, design and retail development program strategies for South Shore, Enterprise Landing and Alameda Point;
- conducted an in-field evaluation of Webster Street's stores and buildings; and
- participated in a number of meetings with city staff and consultants.

## **KEY FACTS & ISSUES**

At the inception of this consulting assignment, we were presented with four locations exploring retail additions to the City, with three located in West End Alameda:

1. Catellus Development: a possible 400,000 to 450,000 square foot retail project on a portion of an 84-acre site currently zoned R&D/office (Enterprise Landing). This retail would be adjacent to the new Bayport residential home site, currently being jointly developed by Warmington Homes and Catellus Development.
2. Alameda Point Community Partners (APCP): a minimum of 88,000 square feet of grocery-anchored, neighborhood/community-oriented retail to a maximum of 524,000 square feet of retail oriented to island-wide residents. This retail would be part of a proposed reuse and redevelopment of the former Alameda Naval Air Station.
3. South Shore Shopping Center: 112,000 square feet of new space added to the existing space of about 540,000 square feet, representing Alameda's single largest shopping center destination today. The center is undergoing renovation and re-leasing, with the replacement of anchor, mini-anchor and small shop stores. It is reported that the center is currently in negotiations with Target for the acquisition of land for a 140,000-square-foot store, with a goal of closing in 2005. South Shore is also in negotiations to add Kohl's to the center as part of its re-leasing efforts. Safeway has agreed to relocate and expand its 37,000-square-foot store to 59,000 square feet.
4. Webster Street: The West Alameda Business Association is initiating a strategic marketing plan to attract retailers. One of the preliminary ideas discussed is the addition of a grocery store. Webster Street is a retail district with a variety of uses, including a Days Inn Hotel, a Hawthorne Suites Hotel, the Elders Inn (Seniors project), a number of free-standing fast food operators, auto-related uses, several restaurants/cafes, a small pharmacy, numerous personal services and many other independent entrepreneurial businesses in older, two-level buildings.

According to a September, 2003 Retail Impacts Analysis report prepared by Strategic Economics, the City of Alameda contains 818,000 square feet of retail space in four shopping centers (South Shore, Marina Village, Bridgeside and Harbor Bay Landing) and about 561,000 square feet of retail and service space on Park and Webster Streets, for a total retail inventory of about 1.38 million square feet. The maximum retail space originally suggested by both Catellus and Alameda Point was nearly 1.0 million square feet (974,000 square feet).

Recognizing that the amount of proposed new Alameda retail space is not likely to be realistically achievable, the City of Alameda has asked us to analyze a number of key issues, including the following:



1. How can the City provide a balanced increase in retail space that addresses a portion of the City's retail sales leakage, enhances the City's sales tax base and provides appealing new shopping opportunities in high quality developments?
2. What is the realistically achievable amount of square footage that can be added to the City's retail base without cannibalizing the City's existing anchored shopping centers?
3. What are the optimal locations for major new retail additions that bolster the City's chances for leasing and sales success over the long term?
4. Are there a sufficient number of anchor tenants seriously interested in a West End Alameda location to adequately support the proposed centers?
5. How can the City balance its near-term retail opportunities with the longer term demand potential generated by new Alameda Point residents?
6. Because a significant amount of land at Alameda Point is only suitable for commercial uses, how can the City provide a balance between near-term opportunities and the potential for reserving space for future retail space?

### **SUMMARY CONCLUSIONS & RECOMMENDATIONS**

Few large retailers exist that would be willing to serve as the critical anchor stores for Enterprise Landing and Alameda Point. Further, South Shore is undergoing renovation and re-leasing today to attract and secure the most sought-after retailers likely to thrive in Alameda. Should South Shore succeed in implementing its strategy of selling land to Target and adding Kohl's to its tenant mix, the two top contenders for serving as anchor stores will have already been secured for Alameda East prior to finalizing the entitlement process for Enterprise Landing and Alameda Point.

The addition of Trader Joes at South Shore, the expansion of Safeway at South Shore and the commitment of a 57,000-square-foot Nob Hill grocery store at the Bridgeside redevelopment project have all impacted the demand for new grocery space in Alameda. Our demand analysis shows that strong demand exists for only one more grocery store in Alameda in the near future (see EXHIBIT 4).

Should Target acquire the South Shore site and should Kohl's be added to the tenant mix at South Shore, two community center anchor tenant scenarios are most viable for Enterprise Landing: (1) a center anchored by Lowe's, a major home improvement/home furnishings store of about 130,000 square feet or another major home improvement store; or (2) a community center anchored by a 30,000 to 40,000-square-foot gourmet/specialty grocery store. We project that either scenario would result in a center totaling about 220,000 to 225,000 square feet. This projection is based on our assessment of the retail voids in the market, the number of retailers attracted to these anchor retail types, and the amount of quick foods, dining establishments and small shop space that is compatible with these types of tenant mixes.

If the Enterprise Landing site becomes a home improvement/home furnishings center, additional demand remains over the short-term (e.g., five years) for another specialty grocery store to be located in the West End of Alameda. Alameda Point could start its total mixed-use development in the early years with a grocery-store anchored neighborhood center of about 80,000 to 120,000 square feet located near the entrance to the project, with the center serving the new homes at Bayport, other West End Alameda residents, as well as serving as an amenity for future homes to be built.

Should Enterprise Landing become a community center anchored by a 30,000 – 40,000 square-foot specialty grocery store, additional strong grocery store demand will not be available for another grocery-store-anchored center to be located at Alameda Point in the early years of the project. However, Alameda Point is proposing approximately 1,900 new homes that will provide additional support for grocery store space. Once these homes are fully occupied, demand will exist for another 40,000 – 65,000 square-foot grocery store (see EXHIBIT 5). It is not unrealistic to assume that, once a sizable portion of Alameda Point's homes are under construction, an additional grocery store may be attracted to anchor the first phase of retail in the mixed-use project. The timing of this additional new grocery store may not be achievable until at least half of the homes at Alameda Point are fully occupied, and, therefore, this center would not be developed in the first few years of development.

Additional retail potential at Alameda Point includes possibly attracting a large floorplate tenant (e.g., 150,000 - 160,000 square feet), particularly for some of the site's adaptive reuse space. The remaining amount of retail space at Alameda Point will be dependent upon the amount of visitor-oriented uses that are secured along the waterfront. We estimate a maximum opportunity of 55,000 to 60,000 square feet of visitor-oriented retail space, including dining offerings. The amount supportable will be highly dependent upon whether Alameda Point becomes a visitor destination for non-Alameda residents.

The highest and best economic retail strategy for Webster Street, irrespective of current zoning restrictions, is conversion of two story, older buildings to work-live environments and other upper level housing programs, such as rental housing, with ground floor retail. No major redevelopment intervention program would be financially feasible or doable given the lack of available empty sites or suitable buildings for major anchor store uses, such as a grocery store. Moreover, even if a grocery store were added to the street, such a program would not generate high spin-off sales to surrounding uses, and therefore, cannot be justified in terms of increasing on-street sales.

Based on our review of City demographics, the number of possible key anchor stores, and the realistically achievable range of mini-anchor and small shop opportunities associated with these anchor stores (as discussed above), there is the optimum potential to add approximately 520,000 - 580,000 square feet of retail space at Alameda's West End, assuming Target and Kohl's locate at Alameda's South Shore center (see table below).

**ALAMEDA WEST END  
POTENTIAL RETAIL SPACE  
OPTIMUM SCENARIO**

<b>Enterprise Landing</b>	
Community Center	220,000 – 225,000 sq. ft.
Waterfront Restaurants	15,000 – 20,000 sq. ft.
<i>Total</i>	<i>235,000 – 245,000 sq. ft.</i>
<b>Alameda Point</b>	
Neighborhood Center	80,000 – 120,000 sq. ft.
Large Format Retailer	150,000 – 160,000 sq. ft.
Visitor-Oriented Retail	55,000 – 60,000 sq. ft.
<i>Total</i>	<i>285,000 – 340,000 sq. ft.</i>
<b>Webster Street</b>	<i>No large amounts of new net square footage</i>
<i>Grand Total</i>	<i>520,000 – 585,000 sq. ft.</i>

This optimum scenario, however, does not reflect a worst case scenario reflecting the inability of one or both developers, Catellus Development and/or APCP, not securing its sought after anchor stores. Moreover, the possibility exists that APCP is not successful in securing a large format retailer, particularly for any of its large existing former Naval Base structures. Creating a visitor-oriented destination at the APCP site may not be easy to achieve, and, therefore, the possibility also exists that APCP will not be able to support any square footage of retail space targeted to non-Alameda residents. Should this “worst case” situation occur, APCP may only be able to support a minor amount of office-support and/or neighborhood convenience retail space of about 8,000 to 10,000 square feet. The second table below, therefore, shows a worst case scenario for both Catellus and APCP, with 8,000 to 395,000 square feet reflecting this alternative’s estimated range of supportable square footage.

**ALAMEDA WEST END  
POTENTIAL RETAIL SPACE  
WORST CASE SCENARIO**

<b>Enterprise Landing</b>	
Community Center	0 -- 220,000 sq. ft.
Waterfront Restaurants	0 -- 15,000 sq. ft.
<i>Total</i>	<i>0 -- 235,000 sq. ft.</i>
<b>Alameda Point</b>	
Neighborhood Center	0 sq. ft.
Large Format Retailer	0 -- 150,000 sq. ft.
Visitor-Oriented Retail	0 sq. ft.
Office Support/Neighborhood Convenience Retail	8,000 -- 10,000 sq. ft.
<i>Total</i>	<i>8,000 -- 160,000 sq. ft.</i>
<b>Webster Street</b>	<i>No large amounts of new net square footage</i>
<i>Grand Total</i>	<i>8,000 -- 395,000 sq. ft.</i>

## **DISCUSSION**

### **City Demographic & Locational Constraints & Opportunities**

In the retail industry, we define the primary trade area for a shopping center as the residential area from which the shopping center can expect to generate most (67% to 80% +) of its sales. The City of Alameda's self-contained island physical characteristics define the primary trade area for the West End Alameda areas being reviewed. Major physical barriers define the city of Alameda, providing a sense of community identity and culture that is distinct from the city of Oakland, located to the east.

The City of Alameda's physical separators include the San Francisco Bay to the south and west; the Alameda-Oakland Inner Harbor to the north and east separating the island from the city of Oakland; the Oakland Airport immediately south of Alameda; the San Leandro Channel and Bay separating the south ends of Alameda from Oakland; and the Freeway 880, which runs parallel to the western edge of Oakland (see EXHIBIT 1, map).

According to the 2000 Census, Alameda contains 72,259 persons living in about 30,000 occupied households (see EXHIBITS 2 and 2A). Alameda's households are relatively affluent, with estimated median incomes (for 2003) at about \$65,000 a year and average incomes of over \$83,000 a year. The Census reports median age of 38.3 years and an average household size of 2.3 persons. The relatively modest average household size reflects a trade area that contains high percentages of singles and childless couples—large family household trade areas typically report 2.5 to 3.0 persons or higher. Nearly half of the households are owner-occupied, with slightly more than half consisting of renter-occupied units. Renter households include upscale residents renting by choice; those renting single family homes; and those renting as a result of the very high Bay Area home sales prices.

Although Alameda's residents are clearly affluent, the 30,000 homes representing this self-contained community provide a ceiling on the types and quantities of retailers that can thrive in Alameda. Some large retailers (50,000 to 100,000 square feet or more) require primary trade areas with significantly higher numbers of households because their merchandise generates lower frequency buying patterns, particularly if the merchandise is highly specialized. The retailers seek high quantities of homes that may shop their store on a monthly basis. For example, many large regional department stores, both full-price and discount, require primary trade areas with at least 100,000 households. Moreover, these types of retailers usually seek locations with easy, quick freeway access and often freeway visibility as well. None of the Alameda West End sites evaluated are located directly along a major freeway, and therefore, cannot draw from communities well beyond Alameda's borders.

In contrast, some large retailers of 50,000 to 100,000+ square feet can do well in community-oriented locations, such as Alameda, because the store's merchandising format attracts shoppers on a more frequent basis (say, several times a month). Examples include Target and Kohl's. These retailers do not require freeway-frontage locations.

We have prepared an analysis of the neighborhood lifestyle clusters for Alameda's households to further evaluate residents' shopping desires and preferences (see EXHIBIT 3). Incomes alone do not provide the subjective information needed to predict the types of retail appealing to residents served by a community-oriented shopping destination. For example, the following two lifestyle categories for households earning over \$50,000 a year would exhibit major shopping pattern differences: (1) "Young Literati" or upscale urban singles and couples and (2) "American Dreams" or established upscale immigrant families with children. Young Literati, typically highly educated, childless residents, are excellent consumers of artworks, books, fitness services and products, travel and home furnishings. In contrast, established upscale immigrant families are strong spenders on their children's necessity goods, apparel and educational expenses.

EXHIBIT 3 segments Alameda's households into categories that represent the nation's highest-spending clusters, and categories that represent the highest household percentages in the City. Nearly 61% of Alameda's households are in the highest spending lifestyle categories in the nation, with another 23.4% consisting of upper-middle income, white-collar urban couples ("Urban Achievers")—also excellent consumers of discretionary goods, services and foods

because of their urban lifestyle and lack of child-related spending obligations. In fact, Alameda's neighborhoods contain significant percentages of highly educated, upper-middle-income and upscale childless singles, couples and couples with few children (Urban Achievers-23.4%; Money and Brains-19.8%; Young Literati-17.3% and Bohemian Mix-4.2%).

The household groups described above have excellent discretionary spending possibilities and lifestyles that favor frequent evening dining, purchases of take-out meals, gourmet foods and liquor, books and art, electronics and home furnishings and accessories. Therefore, a mix of community-oriented, value-priced retailers offering home improvement goods and services, furnishings and accessories, including electronics, and specialty foods, are likely to be well-received at newly developed West End Alameda locations.

### **Grocery Demand Analysis**

We prepared a theoretical convenience goods (grocery/drug/liquor) demand analysis for the City of Alameda in order to assess the demand for new space, or alternately, the over-supply of the market. This analysis was prepared as of the end of 2004/early 2005 using the City of Alameda's figures for actual building permits issued since the year 2000 (251 units) and adding these units to the year 2000 Census figures of 30,226 for a total of 30,477 housing units (see EXHIBIT 4). For this analysis, we assumed that Alameda residents make 100% of their grocery/drug/liquor purchases within the City—a phenomenon that never occurs in fact due to the existence of big box warehouse stores like Wal-Mart and Costco. These warehouse stores, often located outside a resident trade area (such as the Wal-Mart and Costco in San Leandro, just south of Alameda), draw off significant portions of the convenience goods spending. Nevertheless, this analysis is often useful as an indicator of the overall health of the convenience goods market because in many—if not most—California markets the resident trade areas are over-supplied with grocery stores using the same analysis technique.

Alameda shows very different demand results from many California trade areas. New theoretical demand exists for convenience goods space (grocery/drug/liquor store space), even after accounting for the recent addition of Trader Joes at South Shore, the future expansion of Safeway at South Shore and the addition of Nob Hill at Bridgeside. The demand for new space is unusual for a City that is nearly built-out. The reason for this situation is the limited amount of land on the island to accommodate large, contemporary-sized grocery stores. Most new grocery stores today require about 42,000 to 65,000 square feet to adequately merchandise their offerings, including the higher-profit-margin goods found in deli, bakery and liquor sections of the store. With the exception of the 40,991-square-foot Albertsons located at the Marina Village Center, all stores in Alameda today are less than 40,000 square feet.

Although demand exists for one additional grocery store, generous demand does not exist for more than one contemporary-sized store in the resident trade area in the near future—particularly in light of the inability to actually capture 100% of all resident convenience goods spending. Should more than one grocery store be added to Alameda in the near future, we believe the competitive environment would become over-saturated, resulting in weaker sales for the existing array of grocery retailers (see EXHIBIT 4).

In the future, however, new home growth generates new demand for grocery store space. Retailers are not willing to open a new store until they see that a development is under construction and they feel confident that the new homes will be occupied with new shoppers within a short-term time frame. We have modeled the theoretical demand for grocery/drug/liquor space upon the build-out of Alameda Point (1,900 homes) and Catellus Development's residential areas (Bayport, 500 homes). A total of 2,400 homes built in Bayport and Alameda Point generates sizable demand for new grocery store space (see EXHIBIT 5).

Should a 30,000 – 40,000 square-foot specialty grocery store be located at Enterprise Landing, additional demand will remain for a traditionally-sized (40,000 to 65,000-square-foot) grocery store in the West End Alameda area, after the homes at Alameda Point and Bayport are built out. A second grocery store would not likely commit to an Alameda Point location at this time if it knew that a store had already been committed to Enterprise Landing. Retailers typically have short time horizons (3 to 5 years) and they would need to see substantial housing construction underway at Alameda Point before they would be willing to commit to a site. In fact, a new grocery store may not commit until at least half of the future homes at Alameda Point had already been occupied. Not only do new retailers wish to see that the new housing construction is underway, they want to feel confident that the existing retailers are showing thriving retail sales revenues before they venture into the market. Therefore, there is the possibility of long-term demand for two grocery stores (one specialty and one traditional) in the West End of Alameda totaling about 100,000 square feet, once Alameda Point's housing units are well underway.

### **Anchor Tenant Prospects**

Based on our review of City demographics, the existing shopping centers and the proposed leasing programs for each of the sites, we have concluded that few anchor retailers exist that can thrive in Alameda. As mentioned in the City Demographics section above, the 30,000 homes constituting the island community, establish a ceiling on the types and quantities of retailers that can thrive in the City. A fixed and rather limited number of retailers can thrive in community-oriented locations, such as Alameda. Because none of the Alameda West End sites evaluated are characterized by direct freeway frontage, the sites cannot draw many miles beyond the City of Alameda's borders. Therefore, potential retail anchors must be those that can attract Alameda-wide shoppers on a frequent basis (say, several times a month), because their merchandise offerings are broadly appealing. These anchor tenant possibilities are those that would typically serve as key stores for community-based centers—not regional malls or extremely large, big box power centers.

Mervyns, the 84,000-square-foot junior department store located at South Shore, is an example of a community center anchor store. Other examples include community-oriented discount department stores, such as Target and K-Mart. These store sizes tend to range from about 120,000 to 140,000 square feet. Kohl's is another example of a junior department store that anchors community centers and is usually housed in about 85,000 square feet. Other candidates for community-based centers obviously include grocery stores, the typical anchor store for a local-serving neighborhood center. Niche grocery stores, such as those that offer specialized

gourmet and nutritional goods, freshly-prepared foods, and high-end specialty packaged foods, are typically located in community centers—not neighborhood centers—due to the highly specialized nature that draws shoppers on, say a bi-monthly basis versus the weekly basis of a typical grocery store. Examples include Trader Joes, Whole Foods, Bristol Farms, Mollie Stone's and Wild Oats Markets.

Discussions at the meetings with Stakeholder representatives validated the fact that pre-leasing efforts have resulted in a limited number of potential community and neighborhood center anchor stores interested in a West End Alameda location. Anchor tenant names discussed were limited to the following retailers:

1. Target
2. Kohl's
3. Costco
4. Lowe's
5. A grocery store. Names mentioned included Whole Foods, Andronico's and 99 Ranch.

Without an anchor store, none of the sites can support much additional small shop space; moreover none of the Stakeholders was interested in proceeding with a major retail center without an anchor store. These anchor stores are necessary for a successful center because they attract other large (5,000-10,000-square-foot) tenants to a development.

It is reported that Target desires to purchase land at the South Shore Shopping Center, with the goal of closing in 2005. Therefore, the City of Alameda should know within a number of months whether Target has finalized a deal at South Shore. Furthermore, it has been reported that Kohl's is under negotiations to be added to the renovated South Shore center. Because South Shore's re-leasing and renovation program is further along than Enterprise Landing and Alameda Point, the addition of Kohl's appears to be likely at South Shore.

Therefore, should South Shore finalize two new anchor deals, only three remaining retailers have been identified as interested and suitable for Alameda: Costco, Lowe's and a new grocery store.

## **FINAL CONCLUSIONS & PROGRAMMING RECOMMENDATIONS**

### **Enterprise Landing**

A home improvement/furnishings center is one of the viable retail program options for a portion of Catellus Development's Enterprise Landing site, given the few number of potential anchor retailers available. An attractive, contemporary-designed center anchored by the home improvement retailer, such as Lowe's, is compatible with local demographics and unmet retail voids. For example, a full-service Lowe's would be about 130,000 square feet, with a garden center. The home center and hardware chain is interested in expanding to serve the Alameda area and is well-recognized for its excellent customer service.

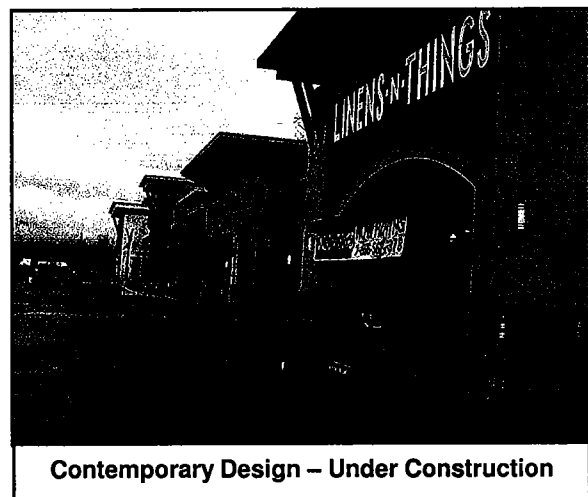
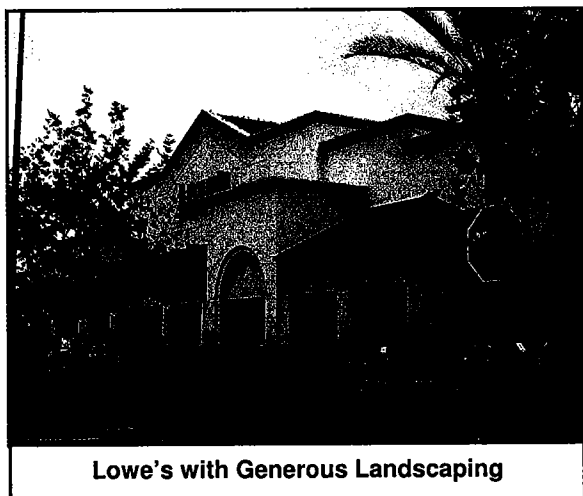


Additional retail voids in Alameda could be filled by securing a major electronics retailer (e.g., Best Buy); a large, party store outlet; an upscale furniture store; an office supply outlet; other home furnishings small shop space and several high-quality quick food pads. This type of center is estimated at about 220,000 to 225,000 square feet. This square footage excludes additional waterfront retail space of about 15,000 square feet reserved for major, view-oriented restaurants. Therefore, this retail program scenario results in total retail space on the Enterprise Landing site ranging from about 235,000 to 240,000 square feet.

Large, value-oriented retailers, such as those proposed for Enterprise Landing, require a simple site plan with generous parking in front of their stores. In order to achieve strong sales, these retailers must provide a convenient shopping destination that easily accommodates the customers' ability to take home large purchases. Moreover, because the center size is relatively modest, at about 225,000 square feet, the presentation of the retailers needs to be clearly seen from the parking lot area. These requirements can be achieved with high quality design features.

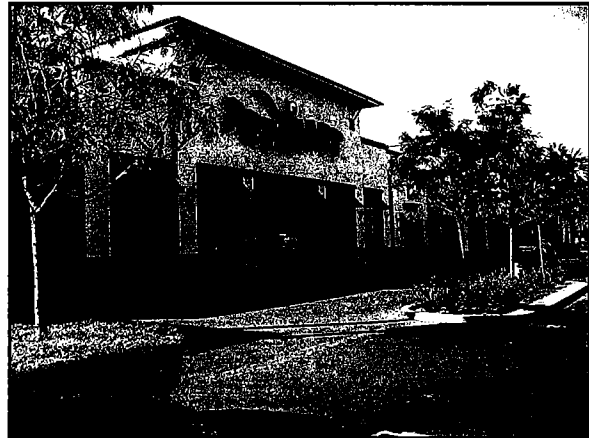
Landscaping and façade treatment need to be designed in keeping with the large-format stores that are accessed via the car. Because these retailers offer deep discounts and value-priced merchandise, their rents and common area charges are relatively modest in contrast to regional mall small shops, specialty centers or upscale "lifestyle centers". Therefore, the amenities provided in a home furnishings-oriented community center need to reflect the lower maintenance charges received from the retailers. Design priorities should focus on the ease of access, the clear presentation of the retailers, the open parking configuration and auto orientation of the shopping experience.

As shown in the following photo examples, however, many of these newer value-oriented centers provide a broad array of pleasing treatments, increasing the shopping appeal for customers. Landscaping treatments, small park and water amenities, public art, and upgraded façade treatments can all add to the attractiveness of the center. The inclusion of pockets of outdoor dining venues, small cafes, quick foods, and restaurants can also add a "gathering place" environment to the centers. In some cases, where cities desire highly upgraded designs with public amenities, some supplemental funding participation may be required to assist the developer. In some cities, redevelopment agencies serve this role, providing the additional financial assistance.





**New Lowe's – Contemporary Design**



**Landscaping & Awnings Enhance Facade**



**Landscaping & Awnings Enhance Facade**



**Stone Façade Treatment & Landscaping**



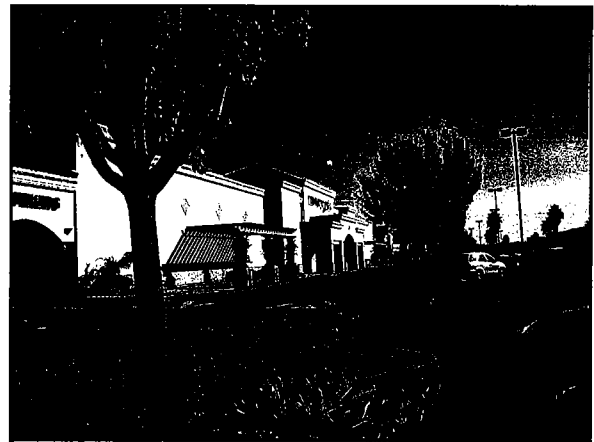
**Street Pavers, Landscaping & Upscale Cafes**



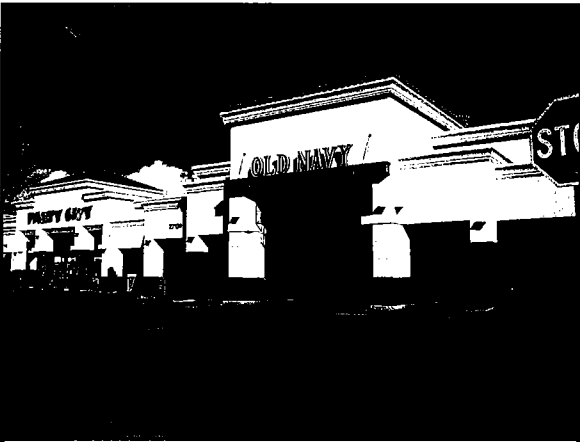
**Landscaping & Stone Façade Treatments**



**"Pocket Park" with Fountain**



**Parking Area Landscaping**



**Signage, Landscaping Enhancing Fronts**



**Cafes, Dining Area with Umbrellas & Pavers**

Should the Enterprise Landing site be anchored by a 30,000 – 40,000 square-foot specialty grocery store, many of the same design principles discussed above apply; although open parking layouts are the preference of anchor and mini-anchor (5,000 to 15,000-square-foot) tenants, tasteful landscaping and attractive façade treatments can add much to create a shopping destination of high quality that will be valued and appreciated by local shoppers. This center is expected to total about 225,000 square feet, as well.

Both Enterprise Landing retail program scenarios are separate from the potential for adding destination-oriented, freestanding restaurants along the water's edge. We estimate that two to three major restaurants, totaling about 15,000 square feet may be attracted to this waterfront. In addition, we understand that Catellus Development has interest from a unique specialty use, a wine tasting center that would provide an attractive, visitor-appealing amenity to the location.

Should Target and Harsch Investments not be able to close a deal for a site at South Shore, for any reason, the City of Alameda should encourage Target to locate at Enterprise Landing.

Clearly, Target desires to locate a new store in Alameda soon. Retailers tend to be highly impatient once they have decided to open a store in a selected area. Alameda risks losing Target to a nearby—but not Alameda—location if the City does not encourage the retailer to take the Enterprise Landing location as a second choice to South Shore. Because Alameda Point's entitlement process is expected to take considerably longer than Catellus', we recommend proceeding quickly to assure Target of the City's interest should it not purchase a South Shore site.

Because Target generates frequent, community-based shopping trips, the retailer spins off significant cross-shopping to other, small and medium-sized retailers. In other words, many retailers are attracted to a Target-anchored center that would not otherwise go to a smaller, home-furnishings/improvement-anchored center. The tenant mix of a Target-anchored center can be more diverse to include a greater variety of shops, particularly in the 2,500 to 10,000-square-foot range. Total square footage could range up to about 340,000 to 405,000 square feet for a Target-anchored center at Enterprise Landing.

### **Alameda Point**

Alameda Point is the proposed reuse and redevelopment of the former Alameda Naval Air Station into a mixed-use residential and commercial community. The redevelopment will represent the largest infusion of new homes in Alameda in many years; once complete, the City will be virtually built out.

Typical of master planned developers, APCP is concerned about providing community-related services to its new residents. A site has been reserved for a grocery-anchored neighborhood center on Atlantic, just beyond the main entrance to Alameda Point. This location could be developed in the early years of Alameda Point to serve the new homes at Bayport and to provide additional grocery store choices in the West End—if a new grocery store is not added to the Enterprise Landing site. As new homes are occupied, this grocery store will benefit from additional sales generated by new home owners.

APCP may wish to phase its neighborhood center, with an initial project to include a grocery store anchor and minimal small shop space (such as a 48,000-square-foot grocery and 30,000 square feet of small shop space). As the community matures, additional neighborhood-oriented space may be added, including local dining uses.

Should Enterprise Landing anchor its retail center with a specialty grocery store of about 30,000 – 40,000 square feet, our analysis shows demand for an additional grocery store at Alameda Point of about 40,000 to 65,000 square feet. However, this demand would not fully mature until a time period close to build-out of the Alameda Point mixed-use community. That is, a new grocery store is unlikely to be attracted or supported by West End Alameda residents until a substantial number of the homes at Alameda Point are built. Therefore, APCP would need to phase development of this grocery-store-anchored center for some time in the middle of the development program for the entire project—not at the beginning (see EXHIBIT 5).

Alameda Point houses numerous warehouse/industrial-like buildings that are part of an historic district and programmed for adaptive reuse. APCP seeks to secure a commercial/retail user that may be able to economically reuse these old structures. About 150,000-160,000 square feet is programmed into Alameda Point's development plan for a major destination, warehouse-type retailer.

Several Alameda Point development goals include physically enhancing the waterfront area facing the San Francisco Bay; creating ferry access to San Francisco; and building waterfront boat slips. Should this waterfront area become a Bay Area visitor destination, additional retail/dining space may be supportable. In order to provide long-term flexibility for such a program, an additional 55,000 to 60,000 square feet of visitor-serving retail (that is also appealing to local residents) is recommended. We envision this square footage to be developed in the later stages of the project, in combination with other visitor-oriented, waterfront amenities.

### **Webster Street**

Webster Street's strengths include: (1) A collection of single- and two-level older buildings toward the north end of the street; (2) Its many entrepreneurial businesses; and (3) An active arts community, including the Alameda Art Center. Any revitalization program should build upon the street's existing strengths.

No large vacant spaces exist for a major, new redevelopment project. The street either contains economically viable, free-standing uses, such as the hotels, fast food operations, gas stations, or financial buildings, or older, interesting buildings with entrepreneurial businesses. Demolition and re-building is not recommended given the high cost of acquiring buildings with operating businesses.

No large redevelopment intervention program is recommended. Instead, we recommend building upon the existing, organic entrepreneurial business environment by encouraging incremental new construction and renovation of buildings into work-live and ground floor retail with upper level residential. We are finding strong interest in older, small downtowns as well as new master planned communities for work-live products. Unlike many of those developments that are "artificially" creating work-live units with the hopes of attracting new small businesses owners, Webster Street already has the building stock and environment for such uses. Examples of work-live and artists lofts are included in the photos below of the Artists Walk area of Downtown Santa Ana.



MIXED-USE ARTISTS WALK, SANTA ANA, CALIFORNIA



ARTISTS WALK LOFTS BANNER

### **Concluding Remarks**

The retail program recommended accomplishes the following:

1. Retail sales leakage is significantly reduced should Target and Kohl's be added to South Shore. Should Catellus proceed with the retail program outlined, voids in home improvement, home furnishings, electronics and other miscellaneous categories will be filled.
2. The retail program provides a balanced addition of a maximum total of 520,000 – 580,000 square feet: 235,000 – 240,000 square feet at Enterprise Landing and a maximum of 340,000 square feet at Alameda Point (120,000 neighborhood center; 160,000 big box; and 60,000 square feet of visitor-oriented space).
3. The retail program places the new retail additions in solid locations for long-term success.
4. Although few anchor retailers are available, the retail program recommended provides room for all those candidates that can realistically thrive on the island.
5. The retail program balances near-term opportunities of filling spaces at South Shore, allows for the possibility of developing a commercial program on Enterprise Landing, and provides major retail opportunities for Alameda Point in the future.

We have enjoyed working on this challenging assignment and wish you continued success in your future retail development projects.

Very truly yours,

LINDA S. CONGLETON & ASSOCIATES

Linda S. Congleton  
Principal

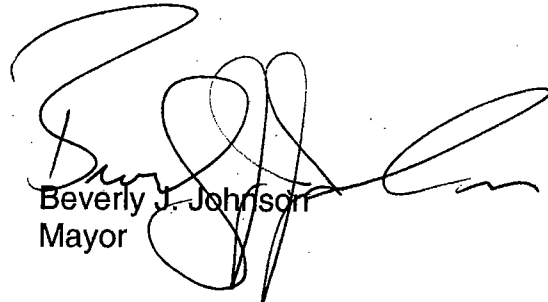
# Proclamation

- Whereas,* Every Child Counts, First 5 Alameda County and other local organizations, in conjunction with the National Association for the Education of Young Children, are celebrating the Week of the Young Child, April 3-9, 2005; and
- Whereas,* by calling attention to the need for high quality early childhood services for all children and families within our community, these groups hope to improve the quality and availability of such services; and
- Whereas,* the future of our community depends on the quality of the early childhood experiences provided to young children today; and
- Whereas,* high quality early childhood services represent worthy commitment to our children's future;

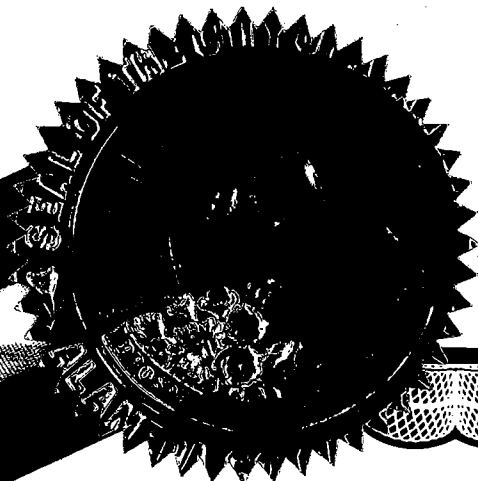
*Now therefore,* I, Beverly Johnson, Mayor of the City of Alameda, hereby proclaim April 3-9, 2005 as

## *Week of the Young Child*

in the City of Alameda and urge all citizens to recognize and support the needs of young children in our community.

  
Beverly J. Johnson  
Mayor

**Proclamation #3-A  
4-5-05**





**CITY OF ALAMEDA**

Memorandum

To: Honorable Mayor and  
Councilmembers

From: William C. Norton  
Interim City Manager

Date: April 1, 2005

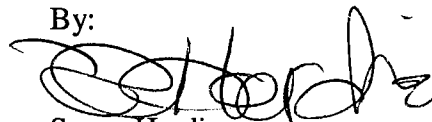
Re: New Main Library Project Update

Attached to this memorandum is the April 1, 2005, Library Construction Report.

Respectfully submitted,

William C. Norton  
Acting City Manager

By:



Susan Hardie  
Library Director

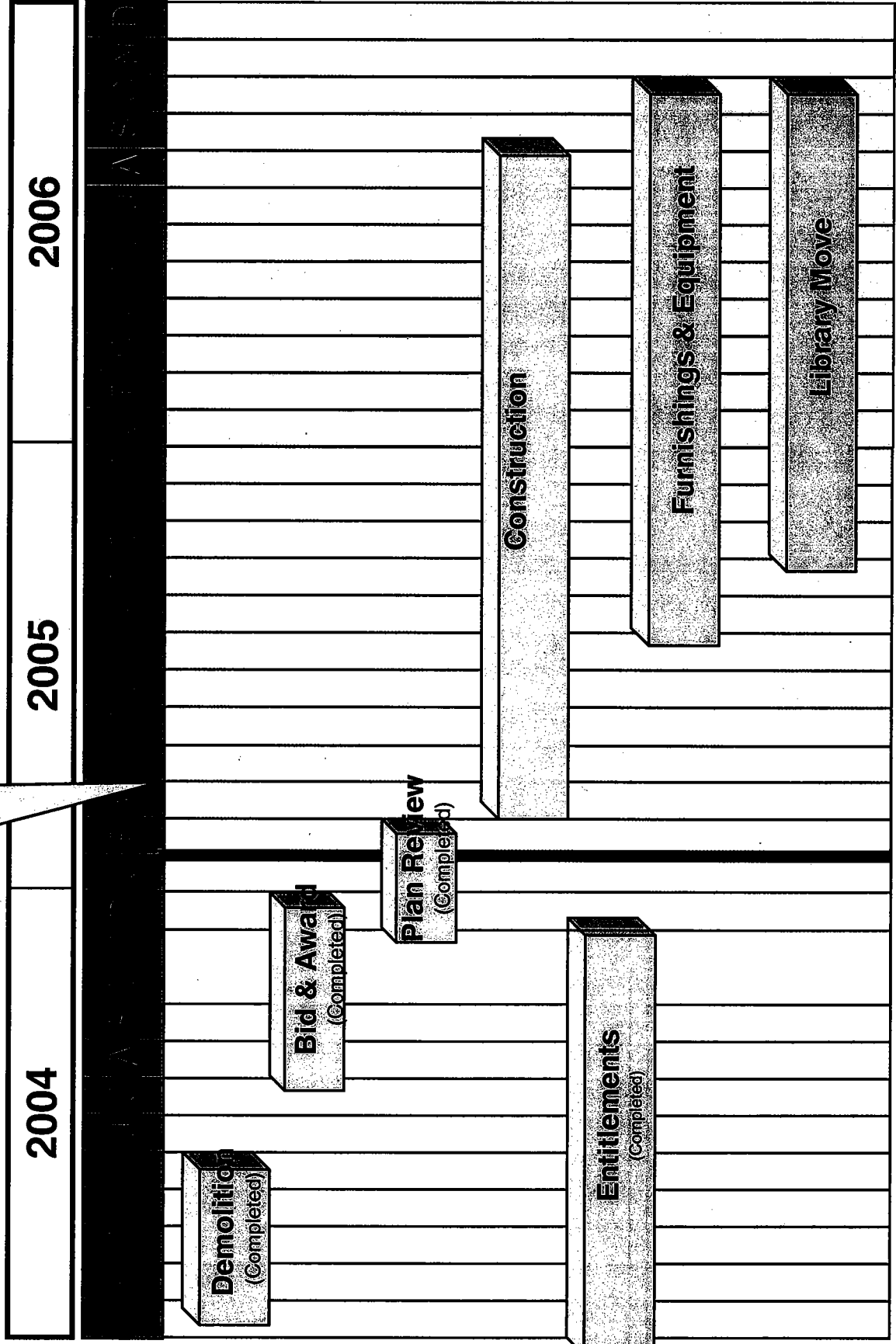
Attachment

# **Library Construction Report**

April 1, 2005

# Library Project Timeline

Status as of  
April 1,  
2005



### **Construction**

- On December 21, 2004, Council approved a contract with S.J. Amoroso in the amount of \$17.4 million.
- On February 23, 2005 the Planning & Building Department approved the revised plans reflecting the selected value engineering alternatives.
- The Library webcam was activated on March 1 to coincide with the Ground Breaking ceremony and will operate throughout the project. It is available on the Library's and the City's websites.
- On March 9 the pre-construction meeting was held with the architect, construction manager and contractor.
- Notice to Proceed was issued on March 14, with substantial completion scheduled for September 5, 2006.

### **Entitlements**

- On March 1 the Office of Library Construction approved the revised parking plan. The entitlement process is complete.
- On March 1 the Department of State Architects (DSA) provided final approval of the revised plans and specifications.
- On March 10 the Office of Library Construction approved the revised plans and specifications reflecting the value engineering changes clearing the way for construction to commence.

### **LEED**

- All LEED VE items have been reincorporated into the project.
- A grant from Alameda Co. Waste Management Authority for up to \$75,000 for LEED commissioning services was awarded on February 23.
- The Project Manager attended a LEED workshop for project managers on March 9.

### **Furnishings and Equipment Procurement**

- Planning process for FF&E begins August 2005.

### **Library Move**

- Planning process for move begins October 2005.

### **Library Opening**

- The opening of the Main Library is tentatively scheduled for October 2006.

### **Budget**

- The budget report, including supplemental funding sources, is attached.

**Budget for Alameda Free Library - New Main Library Project**  
**Inception to date through the month of: February 2005**

Sources of Budgeted Funds	Budget
State Grant	\$15,487,952.00
Measure O	8,000,000.00
Contributions	10,000.00
Supplemental Funding:	
Interest Earned on Measure O Funds	160,000.00
Stafford Bequest	745,297.00
Redevelopment Funding	2,000,000.00
Additional Measure O Funds	670,000.00
<b>Sources Subtotal:</b>	<b>27,073,249.00</b>
<b>Expenditures to date:</b>	<b>4,308,821.00</b>
<b>Balance Available:</b>	<b>22,764,428.00</b>

**UNAPPROVED MINUTES**

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY - - - MARCH 15, 2005 - - - 7:00 P.M.

Mayor Johnson convened the Special Meeting at 7:00 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,  
Matarrese and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(05- ) Conference with Real Property Negotiator - Property: 2900  
Main Street; Negotiating Parties: City of Alameda and Alameda  
Gateway, Ltd; Under Negotiation: Price and terms.

Following the Closed Session, the Special Meeting was reconvened  
and Mayor Johnson announced that the Council obtained briefing and  
instructions were given to Real Property negotiators.

Adjournment

There being no further business, Mayor Johnson adjourned the  
Special Meeting at 7:25 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown  
Act.

## **UNAPPROVED MINUTES**

### MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND COMMUNITY IMPROVEMENT COMMISSION MEETING TUESDAY - - - MARCH 15, 2005 - - - 7:27 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 7:30 p.m.

ROLL CALL - Present: Councilmembers/Commissioners Daysog,  
deHaan, Gilmore, Matarrese and  
Mayor/Chair Johnson - 5.

Absent: None.

#### CONSENT CALENDAR

Councilmember/Commissioner Matarrese moved approval of the Consent Calendar.

Councilmember/Commissioner Gilmore seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*05- CC/\*05- CIC) Recommendation to approve a form of Assignment and Assumption Agreement between University Avenue Housing and Alameda Point Collaborative. Approved.

#### AGENDA ITEMS

None.

#### ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 7:31 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk  
Secretary, Community Improvement  
Commission

The agenda for this meeting was posted in accordance with the Brown Act.

Special Joint Meeting  
Alameda City Council and  
Community Improvement Commission  
March 15, 2005

**UNAPPROVED MINUTES**  
MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY - - MARCH 15, 2005 - - 7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:32 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,  
Matarrese, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

(05- ) Mayor Johnson presented the Resolution Commending Captain Rich McWilliams [paragraph no. 05- ] prior to the Consent Calendar.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(05- ) Proclamation declaring March 2005 as Red Cross Month.

Mayor Johnson read and presented the Proclamation to Jim Franz, American Red Cross.

Mr. Franz stated that the Red Cross has a wonderful partnership with the City; noted that Mayor Johnson accepted the Good Neighbor Award for the City's support of the Red Cross a couple of months ago.

REGULAR AGENDA ITEM

(05- ) Resolution No. 13821, "Commending Alameda Police Department Captain Rich McWilliams for His Contributions to the City of Alameda." Adopted.

Mayor Johnson read and presented the Resolution to Captain Rich McWilliams.

Captain McWilliams thanked the Council for the kind words; stated that it has been a pleasure to work for the City.

Councilmember Matarrese moved adoption of the Resolution.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

CONSENT CALENDAR



Mayor Johnson announced that the recommendation to adopt Zoning Ordinance Text Amendment ZA03-0003 [paragraph no. [05-\_\_\_] was removed from the Consent Calendar for discussion.

Vice Mayor Gilmore moved approval of the remainder of the Consent Calendar.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*05-\_\_\_) Minutes of the Special City Council Meeting, the Special Joint City Council and Housing Authority Board of Commissioners Meeting, and Regular City Council Meeting held on March 1, 2005. Approved.

(\*05-\_\_\_) Ratified bills in the amount of \$6,660,114.93.

(05-\_\_\_) Recommendation to adopt Zoning Ordinance Text Amendment, ZA03-0003, Citywide Guide to Residential Design.

Richard W. Rutter, Alameda, stated that the guidelines are a good tool for the public and staff to utilize; urged adoption.

Elizabeth Krase, Alameda Architectural Preservation Society (AAPS), stated that the guidelines are long overdue; urged adoption.

Kevin Frederick, AAPS, urged adoption of the guidelines.

Janelle Spatz, AAPS, stated that AAPS supports and encourages adoption of the guidelines.

Ross Dileo, Alameda, urged endorsement of the guidelines.

Christopher Buckley, AAPS, urged adoption of the guidelines.

Denise Brady, AAPS, stated that the guidelines have been in the works for a very long time; urged adoption.

Councilmember Daysog moved approval of the staff recommendation.

Councilmember deHaan seconded the motion.

Under discussion, Councilmember Matarrese thanked staff for developing the guidelines; stated the guidelines are very comprehensive and provide some good guidance; noted that the window

section of the guidelines prohibits use of aluminum windows; stated certain materials should not be prohibited as technology and materials progress; the focus should be on the design and appearance criteria, not the material.

The Supervising Planner stated that a new fiberglass window has been manufactured which is superior to the wood clad windows in many ways; the guidelines are intended to be a living document and can be amended; staff is recommending adoption of the guidelines for a year.

Vice Mayor Gilmore thanked staff and the community for the time, energy, and effort given to the guidelines; stated that the guideline pictures are useful for understanding what is and is not permitted.

The Supervising Planner thanked AAPS for all of their input.

Mayor Johnson stated that staff was working on the guidelines when she was on the Planning Board years ago; stated a voice vote, rather than ordinance, is a good process.

On the call for the question, the motion carried by unanimous voice vote - 5.

(\*05- ) Recommendation to authorize the Mayor, City Manager and/or Designee to send letters opposing the proposed suspension of mandated cost reimbursements. Accepted.

(\*05- ) Resolution No. 13822, "Upholding the Planning Board's Decision to Readopt ZA04-0002 to the Webster Street Design Guidelines, Known Henceforth as the Webster Street Design Manual." Adopted.

Councilmember deHaan commended the West Alameda Business Association (WABA) for taking the lead; urged the Park Street Business Association (PSBA) to adopt a similar guideline.

#### REGULAR AGENDA ITEMS

(05- ) Public Hearing to consider an Appeal of the Planning Board's denial of Major Design Review DR04-0082 and Variance V04-0014 to permit the conversion of an existing detached garage to be used as a dwelling unit. The site is located at 1608 Santa Clara Avenue within the R-4, Neighborhood Residential District. Applicant/Appellant: Michele and Frank Mulligan; and

(05- A) Resolution No. 13823, "Upholding the Planning Board's

denial of Major Design Review DR04-0082 and Variance V04-0014 to permit the conversion of an existing detached garage to be used as a dwelling unit." Adopted.

The Supervising Planner gave a brief oral report.

Councilmember Matarrese inquired whether the Planning Board made a recommendation to Council, to which the Supervising Planner responded that the Planning staff denied the variances.

Mayor Johnson opened the public portion of the Hearing.

Proponents (In favor of Appeal): Frank Mulligan, Appellant (submitted handout); Jeff Kassow, Alameda; Walter DeCalle, Alameda; Christina Locklear, Alameda.

Opponent (Not in favor of Appeal): Leo Beaulieu, Alameda.

After Mr. Mulligan's comments, Councilmember deHaan inquired how Mr. Mulligan obtained the referenced photo album, to which Mr. Mulligan responded that the trustee provided him with the album.

Councilmember deHaan inquired whether the permit provided to Council is the one on file with the Planning Department, to which the Supervising Planner responded in the affirmative; stated the "SFD" notation on the permit is for the use of the lot.

Vice Mayor Gilmore inquired whether there was anything at the location before the structure was built.

Mr. Mulligan responded that he did not know; stated there may have been a garage, but no driveway.

Councilmember deHaan inquired whether there are any records that indicate that there was a previous garage, to which the Supervising Planner responded there was a permit for demolition of a garage dated April 1984; a second permit for a new garage was issued in June of 1984 and finalized in October 1984.

Councilmember Matarrese inquired whether the City issued plumbing and mechanical permits which would be necessary for a kitchen and a bathroom, to which the Supervising Planner responded in the negative.

Mayor Johnson stated that a dwelling unit could not have been built on a zero property line in 1984; inquired whether building a dwelling unit with a garage permit would have been legal in 1984, to which the Supervising Planner responded in the negative; the

permit would lack the rear and side set back and separation between dwelling unit requirements.

There being no further speakers, Mayor Johnson closed the public portion of the Hearing.

Mayor Johnson stated that the Planning Board was concerned that the structure did not meet building codes; inquired what would happen if Council denied the variances.

The Supervising Planner responded that the property owner would need to re-institute the garage use that was approved in 1984, extend the driveway to the garage, remove the French doors, install a garage door, and remove the kitchen and bathroom.

Mayor Johnson inquired whether a garage could have a residential unit, to which the Supervising Planner responded in the negative.

Vice Mayor Gilmore stated the structure does not comply with the set backs for a dwelling unit; noted that garages are allowed to sit on two property lines; stated placing a dwelling unit on two property lines would never have been approved in 1984; that she has seen countless situations where people apply for a permit, the inspector finalizes the permit, and then plumbing and electrical are installed after the fact; she has a great deal of sympathy for the property owners, but approval of the appeal would send a message that the permitting process does not need to be followed.

Councilmember Matarrese inquired whether the appraisal form was in error, to which the Supervising Planner responded that she has not seen the appraisal form.

Councilmember Matarrese stated there might be safety factors involved because plumbing, electrical and mechanical permits were not obtained; that he has sympathy for the property owners; the real estate agent and appraiser are at fault.

Mayor Johnson stated that she also has sympathy for the property owners; Council would be very arbitrary to approve the construction after the fact.

Councilmember deHaan inquired whether the structure could stay in place as a legal garage.

The Supervising Planner responded in the affirmative; there may be some openings that are too close to the property lines and may need to be closed; some of the plumbing may need to come out.

Mayor Johnson inquired whether the external type plumbing would have been permitted in 1984, to which the Supervising Planner responded that she did not know.

Councilmember Daysog stated that he wished the rules were otherwise; it is difficult to make things right for the property owners.

Vice Mayor Gilmore moved adoption of the resolution denying the appeal and upholding the decision of the Planning Board.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(05-\_\_\_\_) Public Hearing to consider Zoning Text Amendment ZA05-0001 and Rezoning R05-0001 to create a Theater Overlay District and rezone certain properties to the Theater Overlay District; and

(05-\_\_\_\_ A) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Section 30-2 (Definitions); Amending Subsection 30-3.2 (Combining Districts); Adding a New Subsection 30-4.22 (Theater Combining District); and Reclassifying and Rezoning Certain Properties Within the City of Alameda to Include the Theater Combining District.

The Management Analyst provided a brief report.

Mayor Johnson opened the public portion of the Hearing.

Mayor Johnson stated that Melody Marr, Chamber of Commerce, submitted a letter stating that the Chamber is in favor of Zoning Text Amendment ZA05-0001 and Rezoning R05-0001.

Proponent (In favor of ordinance): Robb Ratto, PSBA.

Opponent (Not in favor of ordinance): Gary McAffe, Alameda.

After Mr. Ratto's comments, Mayor Johnson inquired whether the proposed ordinance would have an impact on the Central Cinema, to which the Management Analyst responded in the negative; stated the proposed ordinance pertains to multi-screen cinemas.

There being no further speakers, Mayor Johnson closed the public portion of the Hearing.

Councilmember Daysog moved introduction of the ordinance.

Councilmember Matarrese seconded the motion, which carried by

unanimous voice vote - 5.

(05- ) Public Hearing to consider a Citywide Zoning Text Amendment ZA04-0001 to review and revise Alameda Municipal Code Section 30-6, Sign Regulations, clarifying current regulations and establishing internal consistency with various Alameda Municipal Code sections with the primary focus on regulations pertaining to Window Signs; and

(05- A) Introduction of Ordinance Amending the Alameda Municipal Code by Amending Section 30-2 (Definitions) of Article I (Zoning Districts and Regulations) of Chapter XXX (Development Regulations) by Adding a New Section 30-6 (Sign Regulations) to Chapter XXX (Development Regulations). Introduced.

The Supervising Planner gave a brief report.

Councilmember Daysog inquired whether a medical office not in a commercial area is allowed to have a temporary sign, to which the Supervising Planner responded A-frame and I-frame signs are not permitted anywhere in Alameda.

Councilmember deHaan inquired whether the proposed ordinance was for all retail areas, to which the Supervising Planner responded in the affirmative.

Mayor Johnson opened the public portion of the Hearing.

Proponents: (In favor of ordinance): Robb Ratto, PSBA; and Sherri Stieg, WABA.

Vice Mayor Gilmore stated that the City does not have the resources to walk down each business district street to enforce the ordinance; the City is counting on and expecting PSBA and WABA to help clean up the signage in town.

Councilmember deHaan stated that some of the retailers are going to have a rude awakening; enforcement of the proposed ordinance needs to be implemented fairly.

Councilmember Daysog inquired whether the proposed ordinance is primarily for signs facing outward and not inside signs, to which the Supervising Planner responded that signs which are part of the interior décor would not be considered to be a sign.

Councilmember deHaan stated that tonight is monumental; thanked staff for all of their work.

Vice Mayor Gilmore moved introduction of the ordinance.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(05-\_\_\_\_) Recommendation to approve the Theatre Design Guidelines and presentation of conceptual parking structure designs.

The Development Services Director provided a brief summary.

Mayor Johnson inquired how wide the sidewalks are on Central Avenue, to which the Development Services Director responded 14 feet; stated sidewalks on Oak Street are 8 feet.

Mayor Johnson stated that the design guidelines provide a sense of what the community would like to see when the architects come back with actual plans.

Councilmember Matarrese inquired about the timeline.

The Development Services Director responded the design guidelines could be attached to the Disposition and Development Agreement (DDA); the DDA should be finalized within the next couple of days for public display and a hearing in April; noted that the public hearing notice for a DDA is extensive and lengthy.

Councilmember Matarrese inquired the impact of not including the guidelines in the DDA.

The Development Services Director responded having the guidelines as part of the DDA gives it more importance.

The City Attorney stated that the DDA does not have to have any attachments.

Mayor Johnson stated if the guidelines are not adopted tonight, they would not be attached to the DDA or the DDA would be delayed.

The Development Services Director stated Council could adopt the guidelines separately.

Mayor Johnson stated that she would prefer to have the guidelines attached; that she is prepared to go forward with the approval of the design guidelines.

Councilmember deHaan stated that the scope of the architect's desires should not be limited; inquired whether there would be two or three different design concepts.

The Development Services Director responded that the developer would start with conceptual plans, submit an application to the Planning Department, and the design review process would begin; she is not expecting multiple concepts to be submitted.

Mayor Johnson noted that Melody Marr, Chamber of Commerce, submitted a letter stating that the Chamber is in favor of the Theatre Design Guidelines.

Richard W. Rutter, Alameda, stated that it appears there will be a traffic impact on Oak Street; suggested considering making Oak Street be increased to 60 feet wide.

Nick Petrulakis, Alameda, urged moving forward with the guidelines.

Scott Brady, Alameda, stated that he was concerned that the guidelines are overly specific in terms of architectural design elements.

Christopher Buckley, AAPS, stated that the preliminary review is a good idea; outlined AAPS's suggested changes to the guidelines.

Chuck Millar, Alameda, stated that he was concerned with the proposed contemporary design.

Mayor Johnson requested the Development Services Director to respond to the design issue.

The Development Services Director stated the design was done by an environmental group to study the mass and make a judgment about whether or not it fits within the contexts and is consistent with the Secretary of Interior standards; stated there has been a lot of community concern because of the image the environmental planner created to do basic evaluation.

Councilmember Daysog inquired whether a review by the State was required to determine impacts on surrounding historical areas.

The Development Services Director responded a review would not be needed if Federal funding were not used.

Councilmember Daysog stated the Historical Advisory Board and other interested groups should have input.

Elizabeth Krase, AAPS, submitted a handout; stated that she welcomes the rehabilitation of the historic theatre with reservations; she is concerned with the projected overhangs.



Councilmember Daysog inquired whether the projected overhangs would overwhelm the historic theatre, to which Ms. Krase responded in the affirmative.

Kevin Frederick, Alameda, stated that no consideration, thought, or respect has been given to Alameda; noted the proposed design is bizarre.

Mayor Johnson inquired whether there have been any designs from the architect, to which the Development Services Director responded in the negative.

Mayor Johnson inquired whether designs were presented at last night's Planning Board meeting, to which the Development Services Director responded the developer had his architect work on some of the concepts to clarify questions.

Jon Spangler, Alameda, stated the community is reacting to the mass of the structure; noted overhangs would block the views down the street.

Debbie George, Alameda, stated the theatre is positive for Alameda; urged moving forward.

Al Wright, Alameda, stated that he was extremely happy to have a theatre in Alameda soon.

Robb Ratto, PSBA, stated the public has had ample opportunity to provide input; urged the process not be delayed and adoption of the guidelines.

Councilmember Matarrese stated that he would like to take out the word "contemporary" from the guidelines; he does not see the need to give that type of general guidance; without the Cineplex, the theatre would rot in place; stated nothing is lost by taking out the word "contemporary."

Mayor Johnson concurred with Councilmember Matarrese; inquired whether omitting the word "contemporary" has any negative impact, to which the Development Services Director responded in the negative.

Councilmember Matarrese stated there is ample time to massage the design once the true design is presented; that he can accept the design guidelines.

Councilmember deHaan stated that he is the strongest advocate of

the theatre; inquired whether the retail spaces would be part of the developer's operation.

The Development Services Director responded that there are two projects: 1) the potential historic restoration project conducted by the City, and 2) the multiplex and retail stores, which would be constructed and owned by the developer; the developer would own and lease the retail spaces.

Councilmember deHaan stated the mass must remain for the theatre; inquired whether there would be the ability to design without the protrusions by removing retail square footage.

The Acting City Manager responded that staff would need to review the matter and return to Council.

Councilmember deHaan stated that he does not believe that there is any need for signage other than the renovated marquee; noted that vertical accent latitude should be left to the architect.

Vice Mayor Gilmore stated that the community and staff have taken their best shot at the design guidelines; design guidelines are not going to be perfect, especially in the abstract.

Vice Mayor Gilmore moved approval of the staff recommendation with removing the word "contemporary" from the Theatre Design Guidelines.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Daysog stated that he sees the design guidelines as a platform that allows more discussions involving members of the Historical Advisory Board; the guidelines do not lock the City into bad design; there is a major challenge ahead in trying to have an economically viable theatre which minimizes the projection problem at the same time.

Mayor Johnson stated that the Council has been working on the theatre project for years and has been very supportive; thanked staff for all of their work.

On the call for the question, the motion carried by unanimous voice vote - 5.

Vice Mayor Gilmore requested that the Transportation Commission review traffic issues on Oak Street and provide Council with recommendations as soon as possible.

## ORAL COMMUNICATIONS, NON-AGENDA

(05-\_\_\_\_) Mina Talebzadeh, Alameda, requested the City to recognize Spring Equinox as a day of peace and harmony.

Mayor Johnson requested Ms. Talebzadeh to provide language for a proclamation.

Gina Mariani was not present but wanted to be on record in support of Ms. Talebzadeh's request.

(05-\_\_\_\_) Michael J. McGhee, Volunteer Veterans Advocate, submitted a letter; stated that the City currently offers services for veterans but there is no office or City official assigned to coordinate the services; urged the City to appoint a committee to investigate veterans' services, to clarify the City's jurisdiction over veteran programs, and create a City office of Veterans Affairs for benefits.

(05-\_\_\_\_) Jon Spangler, Alameda, stated that he and Audrey Lord Hausman, co-founder of Pedestrian Friendly Alameda, will be training at a conference in April; stated that it is wonderful to see the Alameda Police Department enforcing pedestrian rights and safety.

(05-\_\_\_\_) Al Wright, Alameda, stated that on several occasions the American flag has been improperly displayed in front of City buildings; flags flown at the Police Department are not consistent with City Hall; stated that he objects to the American flag being flown at half mast to honor local citizens; stated that all flags on City property should be in compliance with when the President of the United States directs the flag to be flown at half mast; requested that Council direct staff to issue appropriate directives to all departments.

## COUNCIL COMMUNICATIONS

(05-\_\_\_\_) Councilmember Daysog stated that the Chipman Middle School drum and flag core requested a City flag for display in parades.

(05-\_\_\_\_) Councilmember Daysog stated there is a professor at the University of California, Berkeley who is moving forward with an initiative regarding urban casinos; requested staff to analyze the initiative and provide a recommendation as to whether Council should support the initiative.

(05-\_\_\_\_) Councilmember deHaan requested that the Transportation Commission and Public Works Department provide the Council with

information on transportation remediation efforts at Bayport.

Councilmember Daysog noted data indicates that transportation solutions have to be citywide.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 10:25 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

**UNAPPROVED MINUTES**

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY - - - MARCH 15, 2005 - - - 7:34 P.M.

Mayor Johnson convened the Special Meeting at 10:30 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,  
Matarrese and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(05-\_\_\_\_) Public Employee Performance Evaluation - Title: City  
Manager.

Following the Closed Session, the Special Meeting was reconvened  
and Mayor Johnson announced that the Council discussed the  
performance of the City Manager.

Adjournment

There being no further business, Mayor Johnson adjourned the  
Special Meeting at 11:00 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the  
Brown Act.

**UNAPPROVED MINUTES**

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY - - - MARCH 15, 2005 - - - 7:35 P.M.

Mayor Johnson convened the Special Meeting at 11:00 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,  
Matarrese and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(05-\_\_\_\_) Public Employment - Title: City Manager.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that the Council discussed recruitment of the new City Manager.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 11:45 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

**UNAPPROVED MINUTES**

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY - - - MARCH 22, 2005 - - - 5:00 P.M.

Mayor Johnson convened the Special Meeting at 5:05 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,  
Matarrese, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(05- ) Public Employee Performance Evaluation - Title: City  
Manager.

Following the Closed Session, the Special Meeting was reconvened  
and Mayor Johnson announced that the Council gave direction to the  
City Manager.

Adjournment

There being no further business, Mayor Johnson adjourned the  
Special Meeting at 6:40 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the  
Brown Act.

**UNAPPROVED MINUTES**  
MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY - - - MARCH 22, 2005 - - - 6:00 P.M.

Mayor Johnson convened the Special Meeting at 6:45 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,  
Matarrese, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(05- ) Public Employment - Title: City Manager.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that the Council gave direction to Recruiter.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 8:50 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.



March 30, 2005

Honorable Mayor and Councilmembers:

This is to certify that the claims listed on the check register and shown below have been approved by the proper officials and, in my opinion, represent fair and just charges against the City in accordance with their respective amounts as indicated thereon.

<u>Check Numbers</u>	<u>Amount</u>
134287 - 134937	3,906,121.41
EFT113	93,243.08
EFT114	168,859.00

Void Checks:

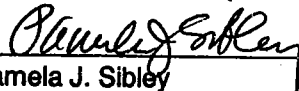
134090	(9.52)
133745	(51.17)
134438	(1,190.00)
85893	(332.85)
133863	(128.00)
134272	(561.73)
134719	(100.00)
134727	(150.00)
134601	(425.00)

---

GRAND TOTAL

4,165,275.22

Respectfully submitted,

  
Pamela J. Sibley

Council Warrants 04/03/05

BILLS #4-B  
04/03/05

**CITY OF ALAMEDA**  
**MEMORANDUM**

Date: March 8, 2005

To: Honorable Mayor and  
Councilmembers

From: William C. Norton  
Acting City Manager

Re: City of Alameda Investment Policy

---

**BACKGROUND**

The State of California Government Code Section 53646, requires the Treasurer to submit to the City Council, at a public meeting, an annual Investment Policy for their approval. The intent is to provide the local governing body with the authority to review and approve the policy.

**DISCUSSION**

The investment policy is provided by City Treasurer, Kevin Kennedy, for your review.

It is important to note that our Investment Policy, as recommended herein, affirms our fiduciary responsibility to safeguard public assets. We, therefore, place a high priority on insuring safety of principal first and then insuring that the liquidity needs for payment of payroll and other city obligations are met prior to considering yield on the investment.

The Government Code requires that the Investment Policy be approved annually by the local governing body. The action herein requested meets this requirement. The Government Code also requires quarterly investment reports be provided which include:

- a) the market value of securities
- b) source(s) of market valuation
- c) statement confirming that current liquidity is adequate to meet expenditures for the next six (6) months

These quarterly reports are submitted within 60 days of the close of a calendar quarter. All reports are reviewed by the City Treasurer.

Honorable Mayor and  
Councilmembers

March 8, 2005  
Page 2 of 2

FINANCIAL IMPACT

None.

RECOMMENDATION

The Acting City Manager recommends that Council approve the Investment Policy as presented.

Respectfully submitted,

William C. Norton  
Acting City Manager

  
By: Juelle-Ann Boyer  
Chief Financial Officer

JB:dl

Attachment

G:\FINANCE\COUNCIL\2005\040105\Investment Policy.doc

## INVESTMENT POLICY

### I. STATEMENT OF PURPOSE

It shall be the investment policy of the City of Alameda that all funds not required for immediate budgeted expenditures be invested in compliance with this statement as well as applicable federal and state legislation.

Safeguards will be set into place to insure that adequate reserves are established and maintained to provide that cash in sufficient amounts will be available for those immediate expenditures as authorized by the City's budget. Funds so maintained will be deposited in a manner best serving the City.

It will be further recognized that the City has a responsibility to insure the security of its assets and always maintain a level of quality so that the public at large will have the highest confidence that its best interests are being served.

The purpose of this document is to identify various policies and procedures that enhance opportunities for a systematic investment process. The initial step toward a prudent investment policy is to organize and formalize investment related activities. Related activities, which comprise good cash management, include accurate cash projection, the expeditious collection of revenue, the control of disbursements, cost effective banking relations, and a short-term borrowing program which coordinates working capital requirements and investment opportunity. In concert with these requirements are the many facets of an appropriate and secure short-term investment program.

### II. SCOPE

It is intended that this policy cover all short-term operating funds and investment activities under the direct authority of the City. These funds are described in the most current annual financial report and include:

- General Fund
- Capital Projects Fund
- Special Revenue Fund
- Enterprise Fund
- Internal Service Funds
- Fiduciary Funds
- Redevelopment Agency Funds

This investment policy applies to all transactions involving the financial assets and related activities of the foregoing funds.

### III. OBJECTIVES

- A. Safety: Safety of principal is the foremost objective of the City, followed by liquidity and yield. Each investment transaction shall seek to first insure that capital losses are avoided, whether they are from securities default or erosion of market value.

Investment decisions should not incur unreasonable investment risks in order to obtain current investment income.

- B. Liquidity: The City's investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated. This need for investment liquidity may be tempered to the extent that the City is able to issue short-term notes to meet its operating requirements. Emphasis will be on marketable securities with low sensitivity to market risk.
- C. Yield: The investment portfolio shall be designed to attain a market average rate of return throughout budgetary and economic cycles, taking into account the City's risk constraints, the cash flow characteristics of the portfolio, and state and local laws, ordinances or resolutions that restricts the placement of short term funds.
- D. The investment portfolio shall be diversified to avoid incurring unreasonable and avoidable risks regarding specific security types or individual financial institution.
- E. The City shall adhere to the guidance provided by the "prudent investor rule", which obligates a fiduciary to insure that:
- "...investment shall be made with the exercise of that degree of judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation but for investment considering the probable safety of their capital as well as the probable income to be derived."
- F. All participants in the investment process shall act reasonably as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public scrutiny and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the public trust. Nevertheless, in a diversified portfolio, it must be recognized that occasional measured losses are inevitable, and must be considered within the context of the overall portfolio investment return, provided that adequate diversification has been implemented.
- G. Investments are to be made that will bear in mind the responsibility of city government to its citizens. Investments which encourage the betterment of the human condition will be sought. Alternative investments which enhance the quality of life will be given full consideration. Investments which serve to only enrich a few to the detriment of the people will be strictly avoided.
- H. No investment is to be made in a company that receives more than 15% of gross revenues from the production or manufacture of cigarettes, alcohol, or gambling products.

#### IV. DELEGATION OF AUTHORITY

Article V of the Charter of the City of Alameda places sole custody of the City's funds with the Treasurer. Further, Section 53636 of the Government Code of the State of California provides that money on deposit is deemed to be in the treasury of the City.

Although the responsibility for conducting the City's investment program resides with the Treasurer, the day to day investment function is hereby delegated to the Finance Director who shall establish written procedures for the operation of the investment program, consistent with this investment policy. Such procedures shall include explicit delegation of authority for all investment activities.

This procedure is attached hereto and marked as Attachment "A".

#### V. INVESTMENT ADVISORY COMMITTEE

An Investment Advisory Committee has been formed for the purpose of overseeing the implementation of the City's investment program and assuring it is consistent with the investment policy as approved by the City Council. The advisory committee shall consist of the City Treasurer, Finance Director (as representative of the City Manager) and the Investment Officer.

The Investment Advisory Committee will meet as needed or as market or economic condition changes to determine general strategies and to monitor results. The committee shall include in its deliberations such topics as: economic outlook, portfolio diversification and maturity structure, potential risks to the City's funds, approval of authorized financial institutions, and the target rate of return on investment portfolio. The written investment procedures shall be approved by the investment advisory committee on an annual basis.

Quarterly: The Finance Director with the concurrence of the Treasurer shall submit a quarterly investment report to the City Council. This report will describe all investment transactions during the quarter, compute average yield and average life of the portfolio as well as all required elements of the quarterly report as prescribed by Government Code Section 53646.

#### VI. INVESTMENT INSTRUMENTS

Investment instruments authorized for purchase include:

- A. United States treasury bills or certificate of indebtedness or those for which the faith and credit of the United States are pledged for the payment of principal and interest.
- B. Insured or collateralized certificates of deposit issued by a nationally or state chartered bank or state or federal association. In accordance with California statutes, City deposits including collateralized certificates of deposit shall not exceed the total paid-up capital (to include capital notes and indentures) and surplus of any depository bank, or the total of the net worth of any savings and loan association.
- C. Prime bankers acceptances with maturities less than one hundred eighty days, which are

eligible for purchase by the Federal Reserve System, and are issued by the top fifty banks in the world, or any qualified depository in the State of California. Purchases from any one bank may not exceed thirty percent of the City's investment portfolio.

- D. Securities of government agencies such as the Federal Home Loan Bank, Federal Farm Credit and Federal National Mortgage Association, a maximum of 25% per issuer, and a maximum of 75% in total.
- E. Prime commercial paper with A1/PI rating. Purchases of commercial paper may not exceed 270 days maturity and no more than 25% of the City of Alameda's portfolio.
- F. Medium term corporate notes with a maximum maturity of five years issued by corporation doing business in the United States which are rated "A" or its equivalent or better by one or more of the following national rating: Moody's, Standard and Poor's, Fitch's or Keefe's. Investment in medium term corporate notes shall not exceed 30% of the City of Alameda's portfolio.
- G. State of California Local Agency Investment Fund.
- H. County Agency Investment Funds, a maximum of 15%.
- I. Repurchase Agreements.
- J. Domestic money market mutual funds registered with the Federal Securities and Exchange Commission (SEC) and which are rated in the highest rating category by a nationally recognized rating service or which only invest in:
  - a) U.S. Government or federal agency securities and repurchase agreement,
  - b) other investment instruments specifically included in the local investment policy, or
  - c) tax exempt obligations.
- K. Other instruments as authorized under Section 53601 and 53634 of the Government Code.
- L. California Asset Management Program (CAMP).
- M. Negotiable Certificates of Deposit, a maximum of 30%.

## VII. INVESTMENT TERMS AND CONDITIONS

- A. The following terms and conditions shall apply to the use of repurchase agreements:
  - 1. Securities purchased under the repurchase agreement shall be limited to the securities and qualifications listed above.
  - 2. Securities shall be marked-to-market, and shall be maintained at a value equal to

or greater than the cash investment.

3. The market value of the securities that underlay a repurchase agreement shall be valued at 102%.
4. All securities under a repurchase agreement shall be held by a third party custodian or safekeeping agent. Transfer of underlying securities to a counterparty bank's customer book entry account may be used for book entry delivery, and a counterparty bank's trust department or safekeeping department may also be used for physical delivery of the underlying security.
5. The seller of repurchase securities shall not be entitled to substitute securities, except as authorized by the City. New or substitute securities should be reasonably identical to the original securities in terms of maturity, yield, quality and liquidity.
6. As soon as possible, a master purchase agreement will be executed between the City and all trading partners.

B. The following terms and conditions shall apply to the use of commercial paper:

1. Maturities shall be limited to two hundred seventy days or less.
2. Purchase must be of the highest letter and numerical rating as provided for by Moody's or Standard and Poor's or Fitch Financial Services, Inc.
3. Purchases must be limited to corporations organized and operating within the United States, and as a practical matter generally only those corporations operating within the State of California, having total assets in excess of five hundred million dollars, and having an "A" or higher rating for the issuer's debentures, other than commercial paper (as-provided by Moody's or Standard and Poor's rating services).
4. Purchase may not represent more than ten percent of the outstanding paper of an issuing corporation.

C. The following terms and conditions shall apply to the use of negotiable certificates of deposit:

1. Certificates with maturities greater than six months through one year have an "A" rating or its equivalent or better as provided for by one of the four following national rating services: Moody's, Standard and Poor's, Fitch's or Keefe's.
2. Certificates with maturities greater than one year and through four years shall have an "AA" or its equivalent, or higher rating from one or more of the four following national rating services: Moody's, Standard and Poor's, Fitch's or Keefe's.



D. The following terms and conditions shall apply to the use of medium term corporate notes:

If securities owned by the City are downgraded by either Moody's or S&P to a level below the quality required by this Investment Policy, it shall be the Agency's policy to review the credit situation and make a determination as to whether to sell or retain such securities in the portfolio.

- a. If a security is downgraded two grades below the level required by the City, the security shall be sold immediately.
- b. If a security is downgraded one grade below the level required by this policy and matures within 6 months, the security will be held to maturity. The City Treasurer may determine to sell the security if it is determined that there is a probability of default prior to maturity.
- c. If a decision is made to retain a downgraded security in the portfolio, its presence in the portfolio will be monitored and reported monthly to the City Council.

VIII. PRUDENCE

The standard of prudence to be used by investment officers shall be the "prudent person rule", and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and exercising due diligence will be relieved of personal liability for an individual security credit risk or market price changes, provided that deviations from expectations are reported on a timely fashion, and appropriate action is taken to control adverse developments.

IX. INTERNAL CONTROLS

The City Auditor will establish a system of internal controls, which shall be documented in writing. The controls shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets or imprudent actions by employees and officers of the City. Controls deemed most important include: control of collusion, segregation of duties, separating transaction authority from accounting and recordkeeping, custodial safekeeping, clear delegation of authority, specific limitations regarding securities losses and remedial action, written confirmation of telephone transactions, minimizing the number of authorized investment officials, documentation of transactions and strategies and code of ethical standards.

X. BANKS AND SECURITIES DEALERS

In selecting financial institutions for the deposit or investment of City funds, the Treasurer will consider the credit rating of the institutions. The Treasurer will continue to monitor financial institutions' credit characteristics and financial history throughout the period in which City funds are deposited or invested.

The Treasurer shall approve all financial institutions from whom securities are purchased.

## XI. MATURITY

The City will not invest in instruments whose maturities exceed five years at the time of purchase.

It is the intent that investments shall be managed in such a way that any market price losses resulting from interest-rate volatility would be offset by coupon income and current income received from the overall portfolio during a twelve month period.

## XII. DIVERSIFICATION

It is the policy of this City to diversify the investment portfolio in order to reduce the risk of loss resulting from over concentration of assets in a specific maturity, a specific issuer or a specific class of securities. The following strategies and constraints shall apply:

- A. Portfolio maturities will be staggered in a way that avoids undue concentration of assets in specific maturity sector. Maturities shall be selected which provide for stability of income and reasonable liquidity.
- B. Concern for liquidity shall be insured through practices that include covering the next vendor disbursement date and payroll date through maturing investments or United States Treasury bills.
- C. Risks of market price volatility shall be controlled through maturity and issuer diversification.

## XIII. RISK TOLERANCE

The City recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity.

- A. Credit risk, defined as the risk of loss due to failure of the issuer of a security, shall be mitigated by investing in high grade securities and by diversification.
- B. Market risk, defined as market value fluctuations due to overall changes in market price and rate, shall be mitigated by eliminating the need to sell securities prior to maturity and avoiding the purchase of long term security for the sole purpose of short term speculation.

## XIV. OTHER CONSIDERATIONS

- A. All transactions will be executed on a delivery versus payment basis.
- B. Wire Transfers: Whenever possible pre-formatted wire transfers will be used to transfer funds to pre-authorized accounts.
- C. The City will not enter into reverse repurchase agreements, nor trade in options or future contracts. However, the Investment Advisory Committee will review and make

recommendations regarding the future use and application of these instruments.

- D. From time to time a competitive bid process, utilizing a minimum of three financial institutions deemed eligible by the Treasurer, will be used to place investment purchases.

The City shall transact business only with banks, savings and loans, and with brokers/dealers approved by the Investment Advisory Committee.

- E. In the event of an absence or replacement of the City's Investment Officer, the authority to invest in all maturities beyond six months shall be regulated by controls and restraining requirements and documented in written investment procedures.

In order to assist in identifying "qualified financial institutions" the Treasurer will forward copies of the City's Investment Policy to those financial institutions with which the City is interested in doing business and require written receipt of the policy.

- F. Safekeeping and Custody

Securities purchased from brokers/dealers shall be held in a third party custodian account, which the City has established for safekeeping. Said securities are to be held in the name of the City with the trustee executing investment transactions as directed by the appropriate City official.

Collateral for time deposit in savings and loans is to be held by the Federal Home Loan Bank. Collateral for time deposits in banks is to be held in the City's name in the bank trust department or by the Federal Reserve Bank.

- G. Confirmation

Receipts for confirmation of purchase of authorized securities must include trade date, pay value, maturity, rate, price, yield, settlement date, description of securities purchased, agency's name, and third party custodian information.

- H. Preference

Where all other factors are equal, as a final consideration the following preference will be given in order:

- a. Institutions principally located in the City
- b. Institutions principally located in the County
- c. Institutions principally located in the State
- d. Institutions principally located in the United States

- I. Trust Agreements

The City shall direct the investment activities of trustees. Such direction shall be in keeping with the terms and condition of its trust agreements, applicable law and policies set forth in the Investment Policy. In addition to the acceptable investment instruments

listed in Section VI, A thru K, bonds proceeds may be invested in:

- a. Shares in a trust established pursuant to the Government code, Title 1, Division 7 and Chapter 5, investing in securities permitted under Section 53635;
- b. Other investment instruments allowed by State law which comply with requirements imposed by bond insurance and rating agencies.

Certified by:

A handwritten signature in black ink, appearing to read 'Kevin Kennedy', is written over the printed name and title.

Kevin Kennedy  
City Treasurer

Attachment

# ATTACHMENT A

## Matrix of Recommended Segregation of Responsibilities of the Treasury Functions

FUNCTION	RESPONSIBILITIES
1. Authorization of investment transactions: •Format Investment Policy should be: - prepared by - submitted to •Reviewed Investment Transactions approved at the end of each quarter	Treasurer* Governing Body Treasurer
2. Execution of investment transactions:***	Treasurer delegates to Finance
3. Timely recording of investment transactions: •Recording of investment transactions in the Treasurer's records •Recording of investment transactions in the accounting records	Director and Supervising Accountant (Revenues)  Supervising Accountant (Revenues)  Supervising Accountant (General Ledger)
4. Verification of investment, i.e. match broker confirmation to Treasurer's records	Treasurer or Supervising Accountant (Revenues)*
5. Safeguarding of Assets and Records: •Reconciliation of Treasurer's records to the Accounting records •Reconciliation of Treasurer's records to bank statements and safekeeping records •Review of (a) financial institution's financial condition, (b) safety, liquidity, and potential yields of investment instruments, and (c) reputation and financial conditions of investment Brokers •Treasurer's Vault	Supervising Accountant** (General Ledger)  Supervising Accountant** (General Ledger)  Treasurer
•Periodic review of collateral should be performed	All transactions, excluding purchases of Certificates of Deposits, are on delivery versus payment basis to a third party. Treasurer
6. Management's periodic review of the investment portfolio as prepared by the Treasurer - key areas which should be reviewed are investment types, purchase price, market values, maturity dates and investment yields as well as conformance to stated investment policy.	Independently assigned reviewing authority.***

- \* With input from Finance Director via consultation
- \*\* This individual may be an Assistant Finance Director or Supervising Accountant
- \*\*\* Personnel assigned to this task should have the capabilities commensurate with the responsibilities. This position requires a knowledge of investments and familiarity with the formal Investment Policy.

# City of Alameda

## Inter-department Memorandum

TO: Honorable Mayor and Councilmembers

FROM: Carol A. Korade  
City Attorney

DATE: March 30, 2005

SUBJECT: Approval of Amendment to Employment Agreement with William C. Norton; Adoption of a Resolution Requesting that the Public Employee Retirement System Board Waive the 960-Hour Rule for William C. Norton

### Background

This item has been agendized at the request of the City Council.

The City has retained William C. Norton as Interim City Manager during the recruitment of a successor to Jim Flint, who retired effective March 2005. Although that recruitment effort is well under way, it may not be completed prior to the expiration of Mr. Norton's contract with the City or the 960 working hours permitted by PERS rules for retirees receiving pension benefits before a retiree is required to forego pension payments and return to active status. The PERS statute permits extensions of the 960-hour rule in circumstances like these upon written request to PERS. It is anticipated that an extension of 325 hours (approximately 8 weeks, or until September 1, 2005) will be sufficient.

### Budget Consideration/Financial Impact

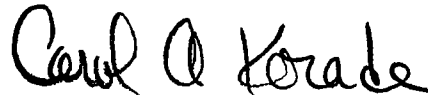
Extension of the contract for an additional two months (or until additional hours has been reached) will not impact the budget as compensation of a City Manager was included in the adopted budget.

**Re: Report and  
Resolution #4-D CC  
4-5-05**

Recommendation

The Council may consider the extension of Mr. Norton's services while completing the recruitment of a permanent City Manager by: (i) adopting the attached amendment to his employment contract to extend its expiration date until September 1, 2005, and (ii) adopting the attached resolution which requests PERS to grant a 325-hour extension to the 960-hour rule.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Carol A. Korade". The signature is fluid and cursive, with the first name "Carol" and last name "Korade" being the most prominent parts.

Carol A. Korade  
City Attorney

Attachment



AMENDMENT TO EMPLOYMENT AGREEMENT BETWEEN  
CITY OF ALAMEDA AND WILLIAM C. NORTON

This AMENDMENT TO EMPLOYMENT AGREEMENT is made and entered into the \_\_\_ day of April 2005 by and between the City of Alameda, herein referred to as "City" and William C. Norton, herein referred to as "Employee."

WHEREAS, the City appointed and has employed Employee as its Acting City Manager subject to the terms of that certain EMPLOYMENT AGREEMENT between the City and Employee dated October 2004;

WHEREAS, the City is conducting the recruitment of a permanent City Manager and expects the new City Manager to start employment with the City by or before September 1, 2005; and

WHEREAS, the City and Employee agree that, to ensure an orderly transition of responsibility from Employee to the permanent City Manager, an extension of the term of the October 2004 EMPLOYMENT AGREEMENT is necessary;

NOW, THEREFORE, in consideration of the mutual promises herein contained, the City and Employee agree as follows:

1. Pursuant to Section IX of the EMPLOYMENT AGREEMENT, the City and Employee hereby agree to amend Section II of the EMPLOYMENT AGREEMENT to read as follows:

II. TERM

This Agreement shall be effective October 6, 2004, until the appointment of a new City Manager or when Employee has worked 1285 hours in calendar year 2005, whichever earlier occurs.

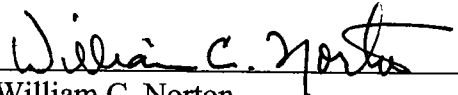
2. The City and Employee hereby agree that, except as set forth in Paragraph 1 above, all other provisions, promises, conditions and recitals contained in the October 2004 EMPLOYMENT AGREEMENT remain in full force and effect.

IN WITNESS WHEREOF, this AMENDMENT TO EMPLOYMENT AGREEMENT has been executed as of the date first set forth above.

CITY OF ALAMEDA

EMPLOYEE

By: \_\_\_\_\_  
Beverly Johnson, Mayor

  
William C. Norton

Approved as to form

By: M. S. L. G. J. M. A.  
for Carol A. Korade, City Attorney

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

REQUESTING THAT THE PUBLIC EMPLOYEE RETIREMENT SYSTEM BOARD  
WAIVE THE 960-HOUR RULE FOR WILLIAM C. NORTON

Approved as to Form

*[Signature]*  
ASST. CITY ATTORNEY

WHEREAS, the City of Alameda ("City") hired William C. Norton as Acting/Interim City Manager in October 2004; and

WHEREAS, William C. Norton will reach the 960-hour PERS calendar year limit on or about June 30, 2005; and

WHEREAS, the City has begun searching for a permanent City Manager and has retained the services of a recruitment firm to assist in that search and advertisements have been placed and applications received; and

WHEREAS, although diligent efforts will be made to complete this recruitment expeditiously, it is anticipated that it may take until September 1, 2004 before a permanent City Manager can be retained, a contract negotiated and signed, and he or she given an opportunity to give appropriate notice to a current employer and, if necessary, relocate to the City; and

WHEREAS, William C. Norton is a retired City Manager of the City whose experience is needed by the City until a permanent City Manager is hired;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Alameda formally requests the PERS Board to waive the 960-hour rule for William C. Norton and to allow him to work an additional 325 hours for the City in calendar year 2005, or until September 1, 2005, whichever comes first.

\*\*\*\*\*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 5<sup>th</sup> day of April 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2005.

---

Lara Weisiger, City Clerk  
City of Alameda

**CITY OF ALAMEDA**  
**Memorandum**

TO: Honorable Mayor and  
Councilmembers

FROM: William C. Norton  
Acting City Manager

DATE: March 15, 2005

RE: Resolution Approving revised Memorandum Of Understanding and Salary  
Resolution between the Alameda Police Officers Association Non-Sworn Unit and  
the City of Alameda for the period commencing December 28, 2003 and ending  
December 24, 2006

**BACKGROUND**

The proposed Memorandum of Understanding (MOU) between the Alameda Police Officers Association Non-Sworn Unit (PANS) and the City of Alameda is for the period December 28, 2003 through December 24, 2006.

**DISCUSSION**

The City of Alameda Labor Relations Representatives have met in Closed Session with the Council to discuss negotiations with the PANS Unit. The revised MOU submitted for your approval is a result of those negotiations and falls within the parameters authorized by the Alameda City Council. This MOU is for the period December 28, 2003 through December 24, 2006. It provides for a general 2% wage increase retroactive to December 26, 2004; a general 2% wage increase effective December 25, 2005; special adjustments for certain classifications designated by the City Council for additional consideration; and other benefit adjustments through the term of the contract.

The MOU is available in the City Clerk's office.

**BUDGET CONSIDERATION**

The cost for the implementation of the salary and other benefit enhancements will be:

Fiscal Year 2004-05 – Total cost to the General Fund is approximately \$59,764 (\$13,165 currently budgeted, \$46,599 new appropriation).

Fiscal Year 2005-06 – Total cost to the General Fund is approximately \$113,658 (\$26,165 currently included in the financial plan, \$87,493 new appropriation).

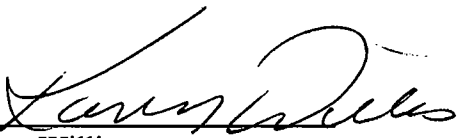
Fiscal Year 2006-07 – Total cost to the General Fund is approximately \$55,398 all of which is new appropriation.

**RECOMMENDATION**

Recommend formal approval of this Memorandum of Understanding and Salary Resolution.

Respectfully submitted,

William C. Norton  
Acting City Manager

By:   
Karen Willis  
Human Resources Director

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

APPROVING REVISED MEMORANDUM OF UNDERSTANDING  
AND SALARY RESOLUTION BETWEEN  
THE ALAMEDA POLICE OFFICERS ASSOCIATION NON-SWORN UNIT AND  
THE CITY OF ALAMEDA FOR THE PERIOD COMMENCING  
DECEMBER 28, 2003 AND ENDING DECEMBER 24, 2006

WHEREAS, there has been submitted to this Council a Memorandum of Understanding between the Alameda Police Officers Association Non-Sworn Unit and the City of Alameda; and

WHEREAS, the Council of the City of Alameda has fully examined said proposed Memorandum of Understanding, a copy of which is on file in the Office of the City Clerk, and thereby finds and determines adoption of said documents to be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that said Council hereby approves and adopts said revised Memorandum of Understanding.

BE IT FURTHER RESOLVED that the position classifications and salary increases set out in said Memorandum of Understanding are hereby designated as those applicable to the respective classifications in the service of the City of Alameda, effective December 28, 2003.

BE IT FURTHER RESOLVED that the provision of this Resolution shall supersede any other resolution in conflict herewith.

\* \* \* \* \*

Resolution #4-E CC  
4-5-05

Approved as to Form

*[Signature]*  
CITY ATTORNEY

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda



**CITY OF ALAMEDA**  
**MEMORANDUM**

Date: March 23, 2005

To: Honorable Mayor and  
Councilmembers

From: William C. Norton  
Acting City Manager

Re: Introduction of Ordinance Approving and Authorizing Execution of Lease Between the City of Alameda (Lessor) and the County of Alameda (Lessee) for Real Property Located at 1429 Oak Street (Requires 4 Affirmative Votes)

---

**BACKGROUND**

The County of Alameda currently leases the City-owned building at 2226 Santa Clara Avenue. This lease will terminate on April 18, 2005. Recognizing that the County programs operating from the facility benefit many Alamedans, the City Council had requested that staff locate alternate space for this program within central Alameda. At the Acting City Manager's direction, both City and County staff have inspected the former Children's Library at 1429 Oak Street and have determined that the facility will be suitable to the County's needs.

**DISCUSSION/ANALYSIS**

A copy of the proposed lease is on file in the City Clerk's office. The lease is for five years, at a reasonably favorable rental, that amortizes the cost of the tenant improvements over the term of the lease. All future maintenance to the facility will be born by the County.

Lease of real property in excess of one year must be approved by an Ordinance, with four affirmative votes. An Ordinance generally requires 45 to 60 days to become effective. Due to the tight scheduling, the County will need to vacate their current facilities and take possession of the property at 1429 Oak Street before the effective date of the authorizing Ordinance. To facilitate this move, the Acting City Manager is authorized to sign a License Agreement, which will authorize the County to occupy the facility. This License Agreement will provide the legal authority for the County to occupy the facility and will terminate when the Lease Agreement is executed, or no longer than 90 days. A copy of the License Agreement is also on file with the City Clerk.

*Dedicated to Excellence, Committed to Service*

In general, the Lease conditions address tenant improvements, which will be constructed utilizing City forces with County reimbursing the cost of materials. The County will be responsible for all maintenance to the facility and grounds, all utilities and moving costs. The term of the lease will be five years. At the end of the term, should the County wish to continue to occupy the building, a new lease will need to be entered into at a market rate for the local area.

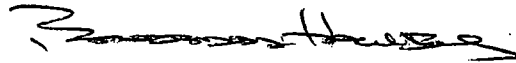
BUDGET CONSIDERATION/FINANCIAL IMPACT

In consideration for the improvements that will be made, rent for the property will be set at \$240 per annum.


RECOMMENDATION

The Acting City Manager recommends that the City Council, by motion, introduce an Ordinance approving and authorizing the execution of lease between the City of Alameda (Lessor) and the County of Alameda (Lessee) for real property located at 1429 Oak Street (Requires 4 Affirmative Votes).

Respectfully submitted,



*For* Matthew T. Naclerio  
Public Works Director

By:   
Marge McLean  
Acting Public Works Coordinator

MTN:MM:gc

G:\PUBWORKS\pwadmin\COUNCIL\2005\040505\1429Oak.doc

CITY OF ALAMEDA ORDINANCE NO. \_\_\_\_\_  
New Series

APPROVING AND AUTHORIZING EXECUTION OF LEASE  
BETWEEN THE CITY OF ALAMEDA (LESSOR) AND  
THE COUNTY OF ALAMEDA (LESSEE)  
FOR REAL PROPERTY LOCATED AT 1429 OAK STREET

WHEREAS, the City of Alameda owns certain real property located at 1429 Oak Street in Alameda, California (herein "real property"); and

WHEREAS, the real property has been utilized by the City as the Children's Library in the past but is no longer occupied as such; and

WHEREAS, the County of Alameda leases the property located at 2226 Santa Clara Avenue from the City in order to operate its Behavioral Health Services programs which benefit the community; the current County lease will expire on April 18, 2005; and

WHEREAS, both the City and the County of Alameda desire that the County's Behavioral Health Services program continues operating in the Alameda downtown area; and

WHEREAS, the City and the County of Alameda desire to relocate the County's Behavioral Health Services program to the real property located at 1429 Oak Street; and

WHEREAS, it is in the public interest that said premises be so leased; and

WHEREAS, pursuant to City Charter section 3-10, no real property of the City shall be leased for a period in excess of one year or sold, except upon the affirmative vote of four members of the Council.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ALAMEDA, by four affirmative votes, that:

Section 1. The City Council hereby approves execution of the Lease between the City of Alameda as Lessor and the County of Alameda as Lessee.

Section 2. That the form of Lease referred to in the above, and the terms, conditions and covenants contained therein are hereby approved.

Section 3. That the Acting City Manager of the City of Alameda be, and is hereby authorized to execute, for an on behalf of the City of Alameda, the Lease substantially in the form and containing the terms and conditions and covenants as set out in the Lease on file in the Office of the City Clerk.

Section 4. This ordinance shall be in full force and effect from and after expiration of thirty (30) days from the date of its final passage.

\_\_\_\_\_  
Presiding Officer of the Council

Attest:

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the \_\_\_\_ day of \_\_\_\_\_, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

# City of Alameda

## Memorandum

DATE: March 22, 2005

TO: Honorable Mayor and Councilmembers

FROM: William C. Norton  
Acting City Manager

RE: Public Hearing to consider an Appeal of the Planning Board's approval to rezone ½ acre from R-5 to C-C R04-0002, and approval of Variance V04-0018 for a second driveway when one driveway is otherwise permitted by Alameda Municipal Code, Use Permit UP04-0013 for expansion of the vet clinic, and Design Review DR04-0101 to allow a 5,300 square foot new commercial building (veterinary hospital) to replace approximately 2,000 square feet of commercial buildings, with a parking lot expansion to 23 spaces; and related Resolution. The property is located at 1410 Everett Street, 2501 Central Avenue and 2507 Central Avenue, in the C-C Community Commercial and R-5 General Residential Zoning Districts. Applicants: Mary Applegate and Cathy Wydner / Appellant: J. Barni.

---

### BACKGROUND

Doctors Applegate and Wydner, DVM, applied for Rezoning, Variance, Use Permit and Major Design Review to replace two existing commercial buildings including their clinic with a 5,300 square foot one-story veterinary clinic and a 23 space parking lot which would add 9 additional parking spaces to the site. On December 13, 2004 after public hearing, the Planning Board recommended to the City Council to approve the rezoning of the lot at 2507 Central Avenue from R-5 General Residential to C-C Community Commercial in order to make the zoning of the parcel consistent with the General Plan, and the Board approved the Use Permit, Variance and Major Design Review. On December 22, 2004, Mr. J. Barni, an adjacent property owner, filed an appeal of the Design Review. The City Council heard this appeal and was advised by a number of neighbors that the notice had not clearly indicated that the vacant bank building would be demolished and the proposed veterinary clinic would be built in its place. After discussion, the Council referred the project back to the Planning Board for a new hearing with revised notice. No action was taken by the City Council on the appeal at the February 01, 2005 meeting.

A revised notice was posted and mailed to property owners in the vicinity of the project. The notice included a more thorough project description and referenced the two addresses on Central Avenue in addition to the current address of the business at 1410 Everett Street. The Planning Board conducted their hearing on this project at the February 28, 2005 meeting. The Planning Board re-approved the Use Permit, Variance and Design Review and recommended approval of the rezoning. In response to neighborhood testimony the Planning Board imposed a new condition that the sign on the Central Avenue frontage of the new building shall not be illuminated. This Planning Board approval has been appealed by John Barni.

**Re: Public Hearing and  
Resolution #5-A  
4-5-05**

### DISCUSSION/ANALYSIS

The appellant's letter(s) of appeal is included as Attachment #1. The appellant's appeal letter states that he supports the project so long as the City Council:

- ◆ Includes a condition on the Use Permit that the vet hospital will not include the operation of a kennel for overnight boarding of animals.

*The applicants have stated that they do not provide kenneling services to the general public. They will, however, provide kenneling services to patients who would not be able to use typical kennels, ie animals who have medical conditions which require medical supervision and/or medication on a daily basis. Staff believes that a condition which would allow kenneling services under these circumstances, but not as a general service would be appropriate.*

- ◆ Includes a condition on the Use Permit that all animals be walked and exercised on hospital grounds only.

*The applicants have stated that it may be necessary to walk or exercise some patients for distances that would exceed the size of their parcel. An example that was given was to observe the gait of a patient being walked along the sidewalk. Not allowing the use of the public sidewalk which is available to other pet owners may hinder medical treatment. Staff would recommend that the Council consider alternatives to barring the use of the public sidewalk to perhaps encouraging the clinic operators to use the sidewalks along Everett Avenue rather than adjacent residential areas.*

- ◆ Relocates the new building north by expanding the current hospital into their current parking area and construct the new parking area on the corner of Everett St. and Central Avenue.

*This condition would require the use of a building which was not constructed for the use and would also require that the operation be shut down for the construction period. The current site plan was developed to allow the continued operation of the clinic during construction and to provide a state of the arts building designed specifically for a veterinary use. Further, the Alameda General Plan states that for commercial areas, buildings rather than parking lots should be constructed at the sidewalk. Staff would not recommend that this condition be imposed.*

- ◆ Includes consideration of a Professional Office Overlay Zone (AP, Administrative-Professional District) rather than C-C, Community Commercial District.

*The C-C zoning designation establishes consistency with the current Community Commercial General Plan land use designation. The Rezoning suggestion to AP rather than C-C would require a new public hearing to also amend the General Plan to designate this portion of the site to Office Use. The AP zoning does not allow veterinary clinic use. However, the veterinary use could be continued on the 1416 Everett Street Parcel since this parcel is already zoned CC and could be established on the 2101 Central Avenue parcel with the approval of a Use Permit. Other uses which could be established on these parcels can be found in Attachment 5, C-C District Regulations.*

*Further, the AP zoning approach would also result in a "spot zoning" of this portion of the site as the surrounding General Plan/Zoning designations are currently either Commercial or Residential. Staff does not recommend that this condition be imposed.*

#### BUDGET CONSIDERATION/FISCAL IMPACT

There will be no additional funding in the Planning and Building Department budget necessary relative to the appeal.

#### RECOMMENDATION

The Planning Board recommends that the City Council conduct a public hearing, review all pertinent information and testimony, and then act to:

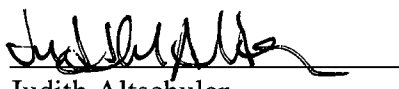
- 1.) Rezone approximately 7,800 square feet from R-5 to C-C;
- 2.) Uphold the Planning Board approval of the Use Permit;
- 3.) Uphold the Planning Board approval of the Design Review by adopting the draft Resolutions contained in the agenda packet.

Should the City Council determine that the appeal has merit and the project should be denied, the City Manager recommends the City Council take action to rezone the 7,800 sq. ft. parcel from R-5 to C-C to establish consistency with the Zoning Ordinance and General Plan. After taking action on the rezoning the City Council would then take action to deny the project.

Should the City Council take no action, the decision of the Planning Board stands.

Respectfully Submitted,

  
Jerry L. Cormack  
Interim Planning Director

By:   
Judith Altschuler  
Supervising Planner

#### **Attachments**

1. Letter and Petition of Appeal, J. Barni
2. Planning Board Resolution
3. Staff Report to Planning Board, February 28, 2005 meeting
4. Letters received in response to Public Notice
5. C-C District Regulations

PETITION FOR APPEAL

TO: CITY OF ALAMEDA

City Hall

2263 Santa Clara Avenue #190

Alameda CA 94501

(Planning Board or City Council)

This petition is hereby filed as an appeal of the decision of the

PLANNING BOARD

(Planning Director/Zoning Administrator/Planning Board/Historical Advisory Board)

which

GRANTED

(Denied/Granted/Established Conditions)

for

DR04-0101/UP04-0013

(Application Number)

at 1410 EVERETT # 2501 Central

(Street Address)

for a

☒ Design Review  
☐ Subdivision Map  
☐ Development

☒ Use Permit  
☐ Rezoning

☐ Variance  
☐ Planned

☐ Planned Development/Amendment

☐ Other \_\_\_\_\_  
(Specify)

on

\_\_\_\_\_  
(Specify Date)

The basis of the appeal is: See ATTACHED letter :

(If more space is needed, continue on the reverse side or attach additional sheets.)

JOHN BARNI JR

(Name)

1023 Auburn Ct.

(Address)

Alameda. Ca. 94502

(City/State)

522-2230

(Telephone - Work)

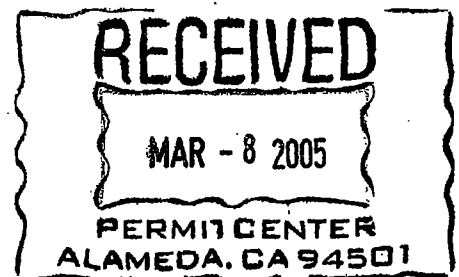
(Telephone - Home)

\*\*\*\*\*  
(For Office Use Only) Date Received Stamp

Received By: \_\_\_\_\_

Receipt No.: \_\_\_\_\_

G:\PLANNING\FORMS\APPEAL01.WPD



Attachment #1



MARCH 8<sup>TH</sup>. 2005

CITY OF ALAMEDA  
CITY COUNCIL

APPEAL DR04-0101 APPEAL OF UP04-0013

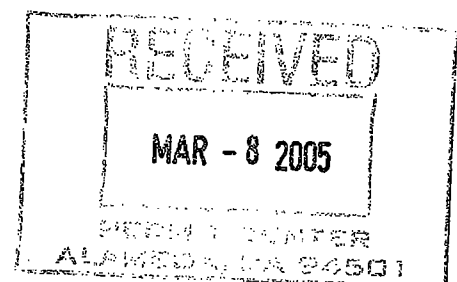
ON MARCH 28<sup>TH</sup>. THE CITY OF ALAMEDA PLANNING HELD A PUBLIC HEARING AND VOTED TO APPROVE THE ABOVE ITEMS. AT SAID HEARING, APPLICANT MADE STATEMENTS THAT INFLUENCED THEIR FINAL DECISION. THESE STATEMENTS SHOULD BE INCORPORATED INTO THE COUNCIL'S ADOPTION AND APPROVAL.

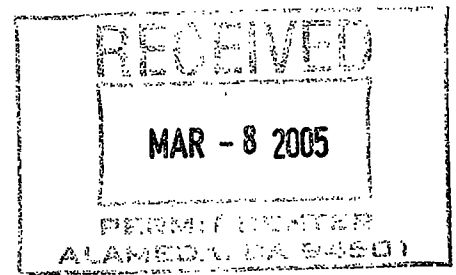
RE: UP04-0013

APPLICANT STATED THAT THEIR HOSPITAL WOULD NOT INCLUDE THE OPERATION OF A KENNEL. SAID USE PERMIT SHOULD BE GRANTED SUBJECT TO THIS CONDITION. WITH EXCEPTION TO, ANIMALS REQUIRING STAYS FOR MEDICAL REASONS.

DOG WALKING: RESIDENTIAL NEIGHBORS HAVE OBJECTED TO THE EXCESS WALKING IN THEIR NEIGHBORHOODS, APPLICANT'S HAVE SENT LETTERS OUT THAT ANIMALS WOULD IN THE FUTURE NO LONGER BE WALKED IN THOSE LOCATIONS. THEREFORE TO INSURE THE AREAS PROTECTION FROM SAID URINATION, BOTH RESIDENTIAL AND COMMERCIAL, I AM REQUESTING THAT USE PERMIT BE GRANTED SUBJECT TO : ALL ANIMALS BE WALKED AND EXERCISED ON HOSPITAL GROUNDS ONLY.

WITH THESE TWO CLARIFICATIONS, I FULLY RECOMMEND THAT THE COUNCIL APPROVE SAID USE PERMIT.





RE: DR04-0101

DESIGN APPROVAL CONSISTS OF MUCH MORE THAN BUILDING ELEVATIONS COVERED OVER WITH LOVELY COLORED LANDSCAPING. IT INCLUDES, MATERIALS, TEXTURES, SET BACKS, BUILDING PLACEMENT ON THE LOT, PARKING LOCATION AND LAYOUT. ALL THESE THINGS ARE SUBJECT TO PERSONAL OPINIONS OF GOOD DESIGN. I AM NOT APPEALING THE ACTUAL DESIGN, HOWEVER THIS APPEAL IS BASED ON MY PROFESSIONAL CAREER AS A REAL ESTATE BROKER AND DEVELOPER, ALONG WITH SERVING 10 YEARS OF THE CITY OF ALAMEDA'S TRAFFIC ADVISORY COMMITTEE.

I FULLY UNDERSTAND THAT THIS SITE OF OVER 17,000 SQ. FT. WILL BE DEVELOPED AS A VETERINARY HOSPITAL. I ONLY ASK THAT THE CITY COUNCIL CONSIDER MY FOLLOWING CONCERNS NOT FOR MYSELF, OR THE FEW NEIGHBORS THAT LIVE NEARBY, BUT FOR THE BENEFIT OF ALL ALAMEDA AND FOR FUTURE PROPOSALS OF OTHER BUILDINGS.

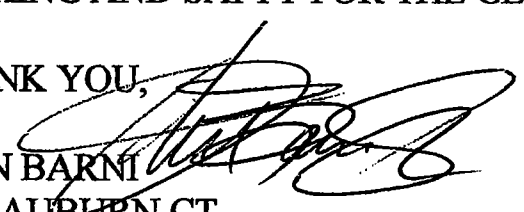
SITE PLAN: THE DESIGN BEFORE YOU PLACES THE HOSPITAL ON THE CORNER OF THE PROPERTY. IN DOING SO THE BUILDING BECOMES AN IMMOVABLE OBSTACLE THAT DECREASES THE LINE OF SIGHT FOR MOTORIST AND PEDESTRIANS AT THIS INTERSECTION. THIS CORNER IS ALSO LESS THAN 90 DEGREES, TO THE EAST, WHICH COMPOUNDS THE SAFETY CONCERNS. A BETTER DESIGN WOULD BE TO RELOCATE THE BUILDING NORTH. THIS COULD BE ACCOMPLISHED BY EXPANDING THE CURRENT HOSPITAL INTO THEIR ORIGINAL PARKING AREA. DOING SO WOULD ALLOW THE PRESENT HOSPITAL TO REMAIN OPEN WHILE THE NEW WING IS CONSTRUCTED. THIS IS DONE COMMONLY IN COMMERCIAL AND RESIDENTIAL EXPANSIONS.

THE CORNER AREA WOULD THEN BE OPEN FOR PARKING AND LANDSCAPING. THIS ALLOWS FOR A VISUAL PLEASING DESIGN AND OPEN LINE OF SITE FOR MOTORIST AND PEDESTRIANS.

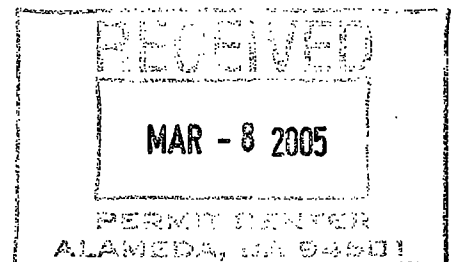
ANOTHER BENEFIT OF THIS DESIGN ALLOWS FOR OPEN AREAS  
WHICH MAY BE USED TO EXERCISE ANIMALS.

MY SUGGESTION SERVES BOTH THE HOSPITAL AND CITY WELL.  
PROVIDING FOR THE EXPANDTION, OPEN AREAS, ACCESSABLE  
PARKING AND SAFTY FOR THE GENERAL PUBLIC.

THANK YOU,

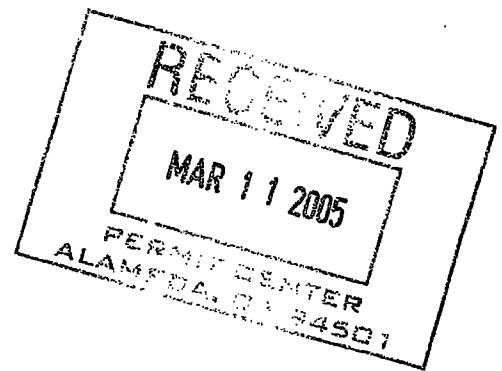
  
JOHN BARNI  
1023 AUBURN CT.  
ALAMEDA, CA. 94502

REZONING CONCERNS FROM R-5 TO CC WILL BE ADDRESSED AT  
COUNCIL MEET.



March 11, 2005

MR. JERRY L. CORMACK  
DEVELOP. REVIEW MANAGER  
CITY OF ALAMEDA, PLANNING DEPT.



RE: REZONING R-04-002

DEAR MR. CORMACK:

THE REZONING APPLICATION WAS APPROVED BY THE PLANNING BOARD ON FEB. 28<sup>TH</sup>. 2005. THE REZONING MATTER GOES TO THE CITY COUNCIL FOR FINAL APPROVAL. THE REZONING MATTER, THOUGH PART OF THE USE PERMIT APPLICATION UP04-013, IS ACTUALLY A SEPARATE ISSUE. IT IS MY OPINION THAT IN ORDER TO KEEP THE ISSUES SEPARATED IT WOULD BE BEST TO HAVE THE REZONING MATTER SENT TO COUNCIL PRIOR TO THE USE PERMIT ISSUE.

MY CONCERN IS SIMPLE, IF THE REZONING MATTER IS APPROVED AND THE SITE IS REZONED CC. UNDER SAID ZONING THERE ARE MANY USES THAT ARE LEGALLY PERMITTED WITHOUT A PUBLIC HEARING. THE LOT IN QUESTION HAS BEEN AN R-5 PARCEL, AND THE EFFECT OF HAVING A RESTURANT OR OTHER INTENSE COMMERICAL USE COULD BE DETRIMENTAL TO THE ADJOINING CONDO. AND THE NEIGHBORHOOD.

I AGREE THAT THE LOT SHOULD BE REZONED TO CONFORM WITH THE GENERAL PLAN. HOWEVER THE GENERAL PLAN AND THE REZONING COULD ACTUALLY AGREE WITH MY CONCERNS. THE MAJORITY OF THE USES WITHIN THE COMMERCIAL AREA ARE THAT OF PROFESSIONAL OFFICES. IN ORDER TO PROTECT THE NEIGHBORS AND TO PRESERVE THE GENERAL PLAN, COULD NOT THIS LOT BE REZONED WITH A PROFESSIONAL OFFICE OVER LAY?

YOUR ASSISTANCE IN THIS MATTER IS APPRECIATED AND SHOULD IN NO WAY AFFECT THE VET. HOSPITAL APPLICATION,

BUT DOES PROTECT THE FUTURE USE OF THE LAND SHOULD  
THE HOSPT. CLOSE AND THE LAND BE SOLD.

SINCERELY,

A handwritten signature in black ink, appearing to read "John Barni", written in a cursive style with a large loop at the end.

JOHN BARNI  
1023 AUBURN CT.  
ALAMEDA, CA. 94502  
522-2230

CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION NO. PB-05-08

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING REZONE R04-002, VARIANCE V04-018, USE PERMIT UP04-013 AND MAJOR DESIGN REVIEW, DR04-101 FOR CONSTRUCTION OF A VETERINARY CLINIC, 1410 EVERETT

WHEREAS, an application was made on October 5, 2004 by Doctor Mary Applegate and Doctor Cathy Wydner, requesting a Rezone R-04-002 from R-5 General Residential to C-C Community Commercial for approximately 7,800 square feet at the corner of Everett and Central, a Use Permit UP04-013 for veterinary clinic in the C-C zoning district, a Variance V04-018 for a second driveway, and Major Design Review DR04-0101, to permit the reconstruction of 5,300 square foot building on a 0.4 acre site; and

WHEREAS, the application was determined to be Complete for processing November 4, 2004; and

WHEREAS, the subject property is designated as Community Commercial on the General Plan Diagram; and

WHEREAS, the subject property is located in a C-C-Community Commercial and R-5 General Residential Zoning Districts; and

WHEREAS, the project is Categorically Exempt from review under the California Environmental Quality Act, pursuant to Section 15303 of CEQA Guidelines, for development of commercial buildings under 10,000 square feet; and

WHEREAS, on the Planning Board held a noticed public hearing on December 13, 2004 and February 28, 2005 and considered testimony, exhibits and other materials and made the following findings; and

WHEREAS, the Board made the following findings regarding the Rezoning:

- 1) **The proposed zoning reclassification relates correctly to the General Plan land use designation** because expanding the Community Commercial designation will more fully implement the current General Plan Community Commercial map designation than would the current residential designation.
- 2) **The rezoning will have no significant adverse effects on the General Plan** and will strengthen the integrity of the General Plan by reclassifying the parcel to a zoning designation consistent with the General Plan Community Commercial designation for this area.
- 3) **The rezoning will have no significant adverse effects on the welfare of the community** because the rezoning provides for continued use of this portion of the property

for parking, without increasing the size of commercial zoning consistent with the commercial General Plan land use designation.

4) **The proposed zoning reclassification will be equitable** because it will correct an inconsistency in the C-C Community Commercial zoning district boundary.

**WHEREAS**, the Planning Board made the following findings regarding the Variance:

1). **There are extraordinary circumstances applying to the property relating to the physical constraints of the parcel, such as size, shape, topography, location, or surroundings, or applying to the proposed use of the property.** The property is on a corner with two public street frontages. The public would benefit from a second driveway and a more efficient circulation pattern to reduce on-street parking generated by this use.

2) **Because of extraordinary circumstances, the literal enforcement of the Zoning Ordinance standards would result in practical difficulty or unnecessary hardship such as to deprive the applicant of a substantial property right possessed by other owners of the property in the same district.** The corner location of the property and the doubling of the number of parking spaces on-site makes a second driveway necessary for this business to provide access to both street frontages. Denying this request would be inconsistent with multiple driveways on other parcels with more than one street frontage.

3) **The granting of the variance, under the circumstances of the particular case, will not be detrimental to the public welfare or injurious to persons or property in the vicinity.** The reduction of one on-street parking space caused by the second driveway is more than offset by the addition of off-street parking spaces on the site, and there are a significant number of other on-street parking spaces in the area. A third existing curb cut will also be removed.

**WHEREAS**, the Planning Board has made the following findings regarding the Use Permit:

1). **The location of the proposed use is compatible with other land uses in the general neighborhood area.** The location of the proposed use is between other office/medical uses to the west, commercial uses to the north, and the new building would be separated from office and residential uses to the south and east by the expanded parking lot and by Central Avenue. The existing veterinary clinic has demonstrated the compatibility of this use.

2). **The proposed use will be served by adequate transportation and service facilities.** There are bus stops near the site and sufficient parking and other services nearby to provide for customers and staff.

3). **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity.** The design of the

building would contain noise, odors and other impacts to avoid adverse effects on nearby properties.

4). **The proposed use relates favorable to the General Plan.** The General Plan map designation is Community Commercial and the proposed building and parking would fulfill General Plan policies regarding the vitality of the Park Street commercial district.

**WHEREAS**, the Planning Board has made the following findings regarding Design Review:

1) **The project will have no adverse effects on persons or property in the vicinity.** The one-story horizontal design will have no adverse shading or view blockage impacts on neighboring sites, including the adjacent residential building, and the design quality will enhance the streetscape.

2). **The project will be compatible and harmonious with the design and use of surrounding properties.** The design mixes Craftsman style with modern style to create a compatible and harmonious design which blends well with the neighborhood at this border between commercial and residential areas.

3) **The project will be consistent with the City's Design Review Guidelines.** The building and site will incorporate the balanced proportions and mix of design details which are encouraged in City Design Review Guidelines, and will echo the design of nearby medical office buildings.

THEREFORE BE IT RESOLVED that the Planning Board of the City of Alameda recommends that the City Council approve Rezone R04-002; and subject to City Council approval of the Rezone, the Board approves Variance V04-018, Use Permit UP04-013; and Major Design Review DR04-101, including veterinary clinic building and parking approvals subject to the following conditions:

1. **APPROVED PLAN.** The project shall be constructed in substantial compliance with the plans date stamped October 4, 2004, by Rauhaus Architects, consisting of plansheets and color and materials boards; such plans and board constitute Exhibit "A", on file in the office of the City of Alameda Planning and Building Department, and are approved except that glass shall be minimally reflective, with an index of less than 12, except as modified by the conditions in this Resolution including but not limited to the following specific modifications:
2. **VESTING.** The Variance, Use Permit and Major Design Review shall terminate on the later of **February 28, 2006**, or one year (1 year) from the date of any subsequent approval on appeal, unless actual construction under valid permits has begun, or the developer applies for and is granted an extension prior to expiration; the Planning and Building Director is directed by the Planning Board to rule upon an extension on their behalf. The Variance, Use Permit and Major Design Review approval shall not be in force and effect, and no building permits will be issued, unless and until the developer has completed any necessary Lot Merger or Lot Line Adjustment to accomplish necessary property lines, to the satisfaction of the Planning



and Building Director, and unless the City Council has first approved the Rezone from R-5 General Residential to C-C Community Commercial of approximately 7,800 square feet of the site.

3. **FEES AND REQUIREMENTS.** Citywide Development Impact Fees and public art fees/program for incremental increase of building area (estimated to be approximately 2,500 square feet) shall be paid prior to issuance of a building permit. The applicant shall conform to the Public Art Ordinance and shall include public art approved by the Recreation and Parks process. That process may, in its discretion, find on-site decorations created by artists to qualify as a portion of public art.
4. **USE PERMIT LIMITS.** The Use Permit allows a veterinary clinic with lobby, offices, medical rooms, material storage and animal cages and animal runs, all interior only. The applicant shall confine animal walks to an area on the east side of the building, covered with artificial turf, drained to Public Works Director satisfaction and treated with chemical control for odor protection and sanitation to Planning and Building Director satisfaction. The Use Permit may be agendized before the Planning Board by the Planning and Building Director for consideration of revocation if the Use becomes a nuisance or fails to comply with the conditions.
5. **ALAMEDA POWER AND TELECOM.** The developer shall install any newly required substructures including conduits, pullboxes, and transformer pads necessary to serve the proposed improvements. The developer shall grant all easements to Alameda Power and Telecom necessary for the provision and maintenance of electrical service to the site. Easements shall include metes and bound descriptions and plats and shall be prepared by a licensed land survey or civil engineer qualified to practice land surveying. Existing easements that are no longer applicable after the proposed improvements are operational shall be vacated at the direction of AP&T and City Engineer.
6. **STORM AND SANITARY SEWER ANALYSIS** Applicant shall provide in conjunction with building and site improvement plan submittals, storm drain and sanitary sewer flow calculations of the existing and proposed development. Private storm and sanitary sewer lines shall be constructed at the owner's expense. Should the developer use the existing private storm and sanitary lines then they shall be inspected to the approval of the City Engineer and any inflow and infiltration from open joints, broken pipe, etc. shall be rehabilitated by means acceptable to the City Engineer (i.e. slip lining, pipe bursting, replacement, inversion lining etc.) at the owner's expense. Existing public storm drain mains must remain functional during construction through use of bypass lines or other means approved by the City Engineer.
7. **FIRE DEPARTMENT.** Prior to issuance of building permits, the applicant shall provide plans for approval of the Alameda Fire Department. If applicable to the type of construction, the buildings shall be fitted with automatic fire sprinkler systems to NFPA 13 standards to the satisfaction of the Alameda Fire Department. On-site 3,000 gallon per minute fire hydrant(s) shall if necessary, be installed to the satisfaction of the Alameda Fire Department.

8. **URBAN RUNOFF.** Redevelopment projects of eligible size, which in phase-in may be 10,000 or more square feet of site area, shall minimize stormwater pollutant discharges through implementation of construction sediment control and post-construction design and treatment measures, incorporating appropriate source control and site design measures to the maximum extent practicable per requirements of the Alameda Countywide Non-Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit. Approval of this resolution does not lock-in the current NPDES permitting requirements. Should the developer reconfigure the project such that Planning board re-approval of the project would be necessary, then that portion of the project would no longer be considered “grandfathered” and could be subject to any modifications in the NPDES permitting requirements.
- a. Design review submittals shall include a table showing the amount of pervious and impervious areas prior to redevelopment and the amount of pervious and impervious area after redevelopment. Areas shall be given in square feet. Conceptual proposals shall be included during design review process showing methods by which impervious surfaces will be minimized and the entry of pollutants to the storm drain system will be reduced. Such methods may include methods such as pervious parking stalls using interlocking pavers, and filter inserts and units within storm drain structures. All runoff catch basins shall be labeled “Drains to Bay.”
  - b. Post-construction stormwater treatment control measures shall be included into project construction plans prior to issuance of any building or grading permit. A treatment measure operation and maintenance (O&M) plan shall be subject to review and approval by the City Engineer following City procedures and standards. O&M plans shall include treatment type, location, maintenance requirements, maintenance schedule and assurances of party responsible for O&M, including on-site pavement cleaning with sweeping, litter control and spill cleanup and asphalt maintenance.
  - c. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Landscaping should be designed and operated to treat stormwater runoff.
  - d. Construction activities shall comply with Notice of Intent (NOI) and Storm Water Pollution and Prevention Plan (SWPPP) NPDES permitting requirements. Design plans shall include a plan for erosion and sediment control measures that implements current Best Management Practices (BMPs) during construction activities. The erosion and sediment control plan is subject to review and approval by City Engineer, consistent with applicable City Ordinance.
  - e. Trash enclosures and/or recycling areas must be completely covered with wood or metal covers approved by building permits, with no surface flows from other areas draining into this area. BMP’s shall be implemented to prevent potential stormwater pollution. These BMP’s may include, but are not limited to, a regular program of

sweeping, litter control and spill clean-up.

9. **LANDSCAPING.** Prior to issuance of building permits the applicant shall specify the size, type and number of trees, shrubs and ground cover. All landscaping and irrigation shall be installed or bonded for installation within one year, prior to approval of first occupancy of the building. A landscape maintenance agreement including any necessary bonding/performance securities shall be signed in a form approved by the Planning and Building Director.
  - a. The developer shall be required to install trees as shown on the approved landscaping plan in Exhibit "A." Species, location and size of street trees shall be generally as shown on Exhibit "A," to the satisfaction of the Planning and Building Director and the Public Works Director. Trees that are 15 gallon size or larger shall be specified unless otherwise directed by the Planning and Building Director. There shall be at least one tree per 4 parking spaces. Eucalyptus trees are not approved.
  - b. Trees shall be maintained and watered in a healthy state to achieve a canopy of greenery within the parking areas. Diseased trees shall be removed and replaced immediately with healthy trees of the same or similar species.
10. **LIGHTING.** Prior to issuance of building permits, the applicant shall submit a lighting plan and details of lighting fixtures for Planning and Building Director review and approval. Lighting shall be installed in substantial compliance with City standards, generally an average of between 2 and 5 footcandles, as determined by the Chief Building Official, Police Department and AP&T. All on-site lighting shall be downward-directed lighting and shielded to avoid lighting impacts on adjacent residential areas; further sign(s) along Central Avenue shall not be illuminated.
11. **AFFORDABLE HOUSING COMPLIANCE.** The project is subject to the Affordable Housing Unit/Fee Ordinance (Alameda Municipal Code Section 27-1) for floor area over and above credit for existing floor area, estimated to be approximately 2,500 square feet. The applicant must provide housing units, pay an in-lieu fee or prepare an Affordable Housing Unit/Fee Plan and secure the approval of the Housing Development Manager, prior to issuance of a building permit. The applicant must provide the housing units or pay the Affordable Housing fee, as calculated in the approved Plan, prior to issuance of the certificate of occupancy. Currently the fee is \$1.92 per square foot of building area for retail and \$3.79 per square foot of building area for offices.
12. **CONSTRUCTION REGULATIONS**
  - a. Prior to start of work of demolition, remodeling or construction, the applicant shall provide a draft waste management plan to the Public Works Environmental Services Division. This can be in any format, but must include the following:
    - i. Contractor's name, address, and telephone number

- ii. Project location and/or street address
- iii. Anticipated start and completion dates of the project
- iv. A list of materials expected to be generated (e.g., glass, wood, metal, drywall, concrete, bricks), the tonnage or volume of each material, how they are to be reused, disposed or recycled, and the destination/processor for that reuse, disposal or recycling.

The Environmental Services Division will review this draft plan for conformity with Citywide waste management plan procedures, and any changes or recommendations shall be incorporated into the site plans for the project.

At the end of the demolition, remodeling or construction project, the contractor shall submit a report to the Environmental Services Division on actual tonnages disposed or recycled for each material, and the actual destination/processor.

- b. Construction activities shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday. Noise-generating construction activities shall be limited to the hours of 8:00 a.m. and 5:00 p.m. Work on Saturdays shall require special approval of the City Engineer. No construction activity shall be permitted on Sundays or State and Federal holidays. Work requiring inspection after 3:30 p.m. weekdays will require city construction inspection fee at time and a half (1-1/2). Said fee will be in accordance with the latest public works fee overtime schedule. Work done on Saturdays requiring inspection is prohibited unless approved by the city engineer and an inspector is available. Inspection fees for Saturday work will be at time and a half (1-1/2) with a four-hour minimum.
- c. All construction vehicles shall adhere to City of Alameda truck routes.
- d. Storage of construction material and equipment on city streets will not be permitted.
- e. The contractor shall provide all lights, signs, barricades, flagmen, or other traffic safety devices necessary to provide public safety in accordance with standards. The contractor shall provide a traffic control plan to the approval of the City Engineer. The contractor shall allow a minimum of three working days for review of the traffic control plan.
- f. Temporary no parking on City streets for construction will require posting of "No Parking Signs" 48 hours in advance. Signs are available at the Building Services Office, Room 190, City Hall. Only City of Alameda issued no parking signs will be allowed.
- g. Construction equipment shall be properly muffled. Unnecessary idling of grading construction equipment is prohibited.

- h. Stationary noise-generating construction equipment such as compressors shall be located as far as practical from occupied residential housing units.
  - i. Contractor shall be responsible for responding to any local complaints about construction noise.
  - j. Construction equipment, tools, etc. shall not be cleaned or rinsed into a street, gutter, storm drain or stream. Shovel or vacuum saw-cut slurry and remove from site.
  - k. A contained and covered area on-site shall be used for storage of cement bags, paints, flammables, oils, fertilizers, pesticides, or any other materials that have potential for being discharged to the storm drain system by wind or in the event of a material spill.
  - l. All construction debris shall be gathered on a regular basis and placed in a dumpster which is emptied or removed weekly. When feasible, tarps shall be used on the ground to collect fallen debris or splatters that could contribute to stormwater pollution. Any temporary on-site construction piles shall be securely covered with a tarp or other device to contain debris.
  - m. Concrete/gunite trucks and concrete/plaster finishing operations shall not discharge wash water into the street gutters or drains.
  - n. Trash and debris shall be cleaned up daily on all public streets in the project vicinity and along haul routes. Sweep as needed and as directed by the Public Works Inspector.
13. **HOURS OF OPERATION.** The facility shall not be open to the public from 10 pm to 7 am unless a subsequent Use Permit is requested and approved. The exception is public parking which the owner may choose to make available at no cost in the evenings before 2 am. No animals shall be taken outside for walks between 10 pm to 7 am except by their owners.
14. **PLANNING AND BUILDING DEPARTMENT INSPECTION.** At least 4 days prior to approval of occupancy, the applicant shall notify the Planning and Building Department to inspect the building and site to assure compliance with these conditions.
15. **PARCELS.** Lot line adjustment has not yet been filed for the property. Buildings shall meet property line separation requirements of the Building Code. A lot line adjustment map may be filed and approved pursuant to City subdivision regulations and the California Subdivision Map Act.
16. **NOISE.** A veterinary clinic is approved as shown in Exhibit A only. The applicant shall incorporate, to Planning and Building Director satisfaction, noise control and reduction measures into the operation, building design and/or site plan sufficient to achieve exterior noise standards at the receiving land use set forth in Section 4-10.4 (Exterior Noise

Standards) of Alameda Municipal Code Article II (Noise Regulations). Such noise reduction may include but are not limited to one or more of the following:

- a. Requiring closed windows and use of a ventilation system.
- b. Noise suppressing exterior wall and window construction.
- b. Noise baffles to supplement protection for residential neighbors if required.

Staff shall monitor noise impacts per Condition 19 from this use for a period of one year after occupancy of the new vet hospital and advise the Planning Board of any noise complaints or impacts from the use to surrounding properties and uses. If there are no complaints or identified impacts no further periodic review will be necessary.

- 17. **GEOLOGY AND SOILS.** The applicant shall implement any geotechnical recommendations identified by the Chief Building Official including:
  - a. Clearing the site of vegetation, structures, foundations, pavement and debris.
  - b. Over-excavating building pad and paving, moisture-conditioning, compacting soil.
  - c. Backfilling utility trenches with compacted soil.
  - d. Implementing Cal-OSHA construction methods.
  - e. Supporting structures on properly constructed spread footings.
  - f. Constructing properly prepared concrete slab-on-grade floors and retaining walls.
- 18. **POLICE DEPARTMENT.** The business should be equipped with alarm system installed and monitored covering all perimeter doors and windows. Rooftop ladders should not be placed outside the building. Address numbers shall be illuminated during hours of darkness, in position to be easily readable from the street, a minimum of 12 inches high. Rear entrance doors shall be numbered with characters at least 4 inches in height and illuminated during darkness. All doors shall be commercial grade and secured using deadbolt locks except panic hardware. Except adjacent to rear and north side property lines, shrubs shall be trimmed to a maximum of 42 inches.
- 19. **PERIODIC REVIEW.** The Planning and Building Director shall monitor the Use Permit and place it on the Planning Board agenda for review after one year of occupancy of the facility, and as needed thereafter to ensure compliance with conditions, particularly for noise and odors that may affect nearby residential properties.
- 20. **ACKNOWLEDGMENT OF CONDITIONS.** The applicant shall acknowledge in writing all of the conditions of approval and must accept this permit subject to those conditions and with full awareness of the applicable provisions of Chapter 30 of the Alameda Municipal Code in order for this Planned Development, Use Permit and Major Design Review to be exercised.
- 21. **HOLD HARMLESS.** The City of Alameda requires as a condition of this Variance, Use Permit and Major Design Review approval, that the applicant, or its successors in interest, defend, indemnify, and hold harmless the City of Alameda or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City concerning the subject property. The City of Alameda shall promptly notify the developer of any claim, action or

proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the developer of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the developer shall not hereafter be responsible to defend, indemnify, or hold harmless the City.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and any such appeal must be made within ten (10) days of the decision or decision on any appeal by completing and submitting an appeal form and paying the required fee.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90 day appeal period in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90 day period complying with all the requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

PASSED AND ADOPTED this 28<sup>th</sup> day of February 2005 by the Planning Board of the City of Alameda to recommend Rezoning R04-0002 to City Council for approval by the following vote:

AYES: (6) Cook, Lynch, Kohlstrand, Mariani, McNamara, Cunningham

NOES: (0)

ABSENT: (1) Piziali

PASSED AND ADOPTED this 28<sup>th</sup> day of February 2005 by the Planning Board of the City of Alameda to approve Use Permit UP04-0013 by the following vote:

AYES: (5) Kohlstrand, Lynch, Mariani, McNamara, Cunningham

NOES: (1) Cook

ABSENT: (1) Piziali

PASSED AND ADOPTED this 28<sup>th</sup> day of February 2005 by the Planning Board of the City of Alameda to approve Variance V04-0018 by the following vote:

AYES: (6) Lynch, Kohlstrand, Cook Mariani, McNamara, Cunningham

NOES: (0)

ABSENT: (1) Piziali

PASSED AND ADOPTED this 28<sup>th</sup> day of February 2005 by the Planning Board of the City of Alameda to approve and Major Design Review DR04-0101

AYES: (5) Lynch, Kohlstrand, Cook, Mariani, Cunningham

NOES: (1) McNamara

ABSENT: (1) Piziali

ATTEST:

\_\_\_\_\_  
Jerry Cormack, Acting Secretary  
City Planning Board

---

**Acknowledgement of Conditions:**

I hereby acknowledge receipt of Planning Board Resolution No. PB-05-08 for the Planning Board's recommendation of approval for Rezone R04-0002, and approving Use Permit UP04-0013, Variance V04-0018, and Major Design Review DR04-0101, approved on February 28, 2005, and in accordance with Conditions herein, I hereby verify that I understand and agree to comply with the Conditions of Approval of said Planning Board Resolution No. PB-05-08 and the applicable provisions of Chapter 30 of the Alameda Municipal Code (Zoning Ordinance).

Executed at: \_\_\_\_\_ By: \_\_\_\_\_  
City Applicant

On: \_\_\_\_\_  
Date Title

**APPLICANT MUST FILL OUT AND RETURN TO THE PLANNING AND BUILDING DEPARTMENT.**

G:\PLANNING\PB\RESO\2004\5vethos2.doc



## ALAMEDA PLANNING AND BUILDING DEPARTMENT

### SUPPLEMENTAL STAFF REPORT

#### ITEM NO. **8-B**

**APPLICATION:** R04-0002, UP04-0013, V04-0018, DR04-0101: 1410 Everett—Mary Applegate. Request from City Council to reconsider Planning Board recommendation for approval for rezoning of ½ acre from R-5 to C-C, and approval of variance for a second driveway when one driveway is otherwise permitted by Alameda Municipal Code, use permit for veterinary hospital and major design review to allow 5,300 square foot new commercial building (veterinary hospital) to replace approximately 2,000 square foot building; parking lot expansion to 23 spaces. The property is in the C-C Community Commercial and R-5 Hotel Residential Zoning Districts.

**PLANNER:** Dave Valeska, Planner III

On December 13, 2004 the Planning Board recommended approval of the rezoning and approved the use permit, variance and major design review to rebuild and expand an existing veterinary clinic at Park Street and Everett. Mr. John Barni, who spoke at the hearing opposed to the application, filed an appeal. Mr. Tom Matthews also submitted a letter of opposition. On February 1, 2005 the City Council considered the appeal, and returned the case to the Planning Board for second review in response to expressed concerns related to the wording of the public notice. Attachment 1 is the report to the Planning Board and Planning Board's action, with minutes.

Staff revised the wording of the public notice and readvertised this project for consideration by the Planning Board on February 28, 2005. The applicants have expressed willingness to modify the design of the Central Avenue façade of the building in response to comments by Mr. Barni and Mr. Matthews, however, they request that the Planning Board's earlier approval action be sustained. Staff's comments on the appeal issues is contained in Attachment 2, with the Council packet. Staff continues to recommend, in the absence of significant new impacts identified at the February 28, 2005 Planning Board hearing, that the Planning Board's December 13, 2004 Resolution be sustained on February 28, 2005.

#### Attachments;

1. 12-13-04 Staff Report and Resolution, with Attachments and Minutes
2. 02-01-05 City Council Staff Report with Appeal Letter and Response
3. 02-01-05 City Council Minutes
4. Correspondence

G:\PLANNING\PB\Reports\2005\d-Feb 28\5vetsup.doc 2/16 dv draft

**CITY OF ALAMEDA  
PLANNING AND BUILDING DEPARTMENT**

**STAFF REPORT**

**ITEM NO.: 8-B**

**APPLICATION:** R04-0002, UP04-0013, V04-0018, DR04-0101: 1410 Everett—Mary Applegate. Request for rezoning of approximately 7,800 square feet from R-5 to C-C, variance for a second driveway when one driveway is otherwise permitted by Alameda Municipal Code, use permit for veterinary hospital and major design review to allow 5,300 square foot new commercial building (veterinary hospital) to replace approximately 2,000 square foot buildings; 23 space parking lot. The property is in the C-C Community Commercial and R-5 General Residential Zoning Districts.

**GENERAL PLAN:** Community Commercial

**ENVIRONMENTAL  
DETERMINATION:** Categorically Exempt from State CEQA Guidelines, Section 15303, New Construction of Small Structures Less Than 10,000 Square Feet.

**STAFF PLANNER:** Dave Valeska, Planner III

**RECOMMENDATION:** Recommend to City Council approval of Rezoning of approximately 7,800 square feet from R-5 to C-C; Approve Use Permit, Variance and Major Design Review with conditions.

**ACRONYMS:** AMC – Alameda Municipal Code  
C-C—Community Commercial Zoning District  
R-5—General Residential Zoning District

**ATTACHMENTS:**

1. Draft Resolution
2. Vicinity Map
3. Applicant Plans
4. Applicant Statement

---

**I. PROPOSAL SUMMARY**

The applicants propose to build a 5,300 square foot new one-story commercial building (veterinary clinic) at Central and Everett, on a 17,670 square foot (0.4 acre) site. The building

would replace approximately 2,000 square feet of existing veterinary clinic and a vacant 700 square foot bank. The site, which currently has 12 parking spaces, would be expanded by addition of the adjacent residentially zoned lot to provide a total of 23 parking spaces. All animal runs and storage would be indoors, with ventilation and other methods to assure soundproofing for nearby uses. In order to accomplish the request, the following entitlements would need to be approved:

--Rezoning from R-5 General Residential to C-C Community Commercial of 7,800 square feet, being one of the three parcels, to provide zoning for outdoor commercial parking; City Council action is also needed.

--Use Permit for veterinary clinic in C-C Community Commercial Zoning District

--Variance for two driveways on a parcel where only one driveway is allowed by the AMC.

--Major Design Review for construction of the new building, parking and landscaping.

--(Administrative) Lot Line Merger to remove the lot lines between three existing parcels. The Planning Board would not need to act on the merger.

## **II. BACKGROUND**

### **A. Existing Site Conditions**

The site is flat and developed with an existing one-story veterinary clinic and a small circular mini-bank/ATM with two drive-through lanes. Several mature canopy trees and a 5 foot tall hedge are located on the eastern side of the parcel. Five mature locust trees are located in a group along Central Avenue behind the bank.

### **B. Surrounding Land Use**

North – Commercial buildings.

West-Medical buildings

South-Commercial buildings including extended stay hotel and residential uses

East-Residential uses including multifamily dwelling building adjacent to the property line

### **C. Applicant**

Doctors Applegate and Wydner, DVM, own a veterinary clinic on a portion of the site. The applicant's staff is normally 15 persons, with 8 on a maximum shift.

## **III. DETAILED PROJECT DESCRIPTION**

The proposal is at 1410 Everett Street, and includes the current addresses 2501 and 2507 Central Avenue as well. The one-story 5,300 square foot new building plan includes 4,200 square feet of

Alameda Planning Board

Staff Report

Meeting of December 13, 2004

hospital/clinic area and 1,100 square feet of animal boarding and runs. This doubles the floor area of existing buildings on the three parcels, with a total project site of 17,670 square feet (0.4 acre).

The building would be used for veterinary clinic, which is regulated by Use Permit in the C-C District. Lobby and office areas would be located in the front of the building. All animal runs and storage would be indoors. The use will generate approximately 40 daily vet clinic customers and includes a staff of 8 to 15 workers, normally working from 8 am to 6 pm. The parking supply increases from the current 12 spaces to 23 parking spaces for this expanded use. The property would have two driveways providing access to the parking.

#### **IV. ENVIRONMENTAL REVIEW**

Development of less than 10,000 square feet of commercial floor area in an urban area is Categorically Exempt under Section 15303 of the California Environmental Quality Act. The existing veterinary clinic was built approximately 1950 and is not on the Historic Building Survey List. The mini-bank was built after 1960 and is not on the list. There are no other environmental factors which require further environmental analysis. A Categorical Exemption under CEQA is proposed to be filed.

#### **V. STAFF ANALYSIS**

The proposal complies with applicable zoning regulations, subject to Planning Board and City Council approval of rezoning from R-5 to C-C, Use Permit for veterinary clinic, Variance for second driveway curb cut, and Major Design Review.

#### Compliance with Development Standards for Height, Lot Coverage, and Setbacks (Summary Table)

<b>Description</b>	<b>AMC Standard</b>	<b>Project Measure</b>	<b>Comparison</b>
Front Setback	Zero	7 feet	Complies
Side Setbacks (front bldg)	Zero	1 foot	Complies
Side Setbacks (rear bldg)	Zero	62 feet	Complies
Rear Setback	Zero	35 feet	Complies
Lot Coverage	100%	36%	Complies
Height	40 Feet	20 feet	Complies
Parking Landscaping	1 tree per 4 parking spaces, 5 feet landscaping along parking lot	7 trees in parking lot, 5 feet landscaping of parking lot	Complies
Parking	22 spaces	23 spaces	Complies

**A. Rezoning, R-5 to C-C**

This proposal includes a parcel of approximately 7,800 square feet at 2507 Central Avenue which is zoned R-5, General Residential. The applicant has filed a request for rezoning for this parcel to C-C Community Commercial, which is consistent with the Community Commercial General Plan designation of this parcel. This parcel has been used for off-street parking/circulation in conjunction with the prior use and will remain parking/circulation for the proposed use.

The required findings for the Planning Board to recommend approval of rezoning to the City Council are as follows:

- 1) **The proposed zoning reclassification relates correctly to the General Plan land use designation** because expanding the Community Commercial designation will more fully implement the current General Plan Community Commercial map designation.
- 2) **The rezoning will have no significant adverse effects on the General Plan** and will strengthen the integrity of the General Plan by reclassifying the parcel to a zoning designation consistent with the General Plan Community Commercial designation for this area.
- 3) **The rezoning will have no significant adverse effects on the welfare of the community** because the rezoning provides for continued use of this portion of the property for parking without increasing the size of commercial zoning consistent with the commercial General Plan land use designation.
- 4) **The proposed zoning reclassification will be equitable** because it will correct an inconsistency in the C-C Community Commercial zoning district boundary.

The findings for the Board to recommend rezoning can be made.

**B. Variance for Second Driveway**

The combination of three parcels into one would create a requirement under Alameda Municipal Code for a single driveway. The project proposes one driveway on each of its frontage streets, Central and Everett, a total of two driveways where currently there are three driveways. A variance is required to allow the request for more than one driveway. Staff notes the efficiency of circulation for visitors is enhanced by the second driveway, and that one of three existing driveways is being eliminated, therefore reducing the total number of driveways currently existing.

In addition, limiting the number of driveways is a regulation primarily to conserve on-street parking spaces. However, the applicant is almost doubling the number of off-street parking spaces, resulting in an offset to the reduction of on-street parking spaces which a second driveway may cause. An existing third curb cut is also being eliminated.

Findings: In order to grant the requested variance, the Planning Board must make all three of the following findings:

1. **There are extraordinary circumstances applying to the property relating to the physical constraints of the parcel, such as size, shape, topography, location, or surroundings, or applying to the proposed use of the property.**

The property is on a corner with two public street frontages. The public would benefit from a second driveway and a more efficient circulation pattern to reduce on-street parking generated by this use.

2. **Because of extraordinary circumstances, the literal enforcement of the Zoning Ordinance standards would result in practical difficulty or unnecessary hardship such as to deprive the applicant of a substantial property right possessed by other owners of the property in the same district.**

The corner location of the property and the doubling of the number of parking spaces on-site makes a second driveway necessary to provide access to both street frontages for this business. Denying this request would be inconsistent with multiple driveways on other parcels with more than one street frontage.

3. **The granting of the variance, under the circumstances of the particular case, will not be detrimental to the public welfare or injurious to persons or property in the vicinity.**

The reduction of one on-street parking space caused by the second driveway is more than offset by the addition of off-street parking spaces on the site, and there are a significant number of other on-street parking spaces in the area. A third existing curb cut will also be removed.

#### **Variance Conclusion:**

The findings necessary for a Variance are made in this case.

#### **C. Use Permit for Veterinary Clinic**

The requested Use Permit to allow a veterinary clinic in the C-C Community Commercial Zoning District relates to issues of land use compatibility, traffic, parking, noise and General Plan conformance.

Land Use Compatibility: The veterinary medical use is similar to other medical uses across Everett Street with the commercial uses in the vicinity. To the north, other commercial uses have been adjacent to the veterinary building for years without reports of significant impacts. To the south are residential and office uses across Central Avenue. All animal runs and cages would be interior, although occasional attended walking of animals may occur outside.

The clinic use would be during business hours and would be closed during the evening when residential uses are at their highest occupancy. This use has existed adjacent to a residential building and should remain compatible with the adjacent uses.

Traffic: Existing and proposed client traffic would average less than a few clients per hour, in daytime hours. The increase in traffic for the larger clinic would still result in a modest amount of traffic.

Parking: The applicant proposes to double existing parking on the site, in balance with the increase in floor area. The layout of the parking lot is efficient and provides access to both Central Avenue and Everett Street.

Noise: AMC Section 30-4.9A-c-1-nn states that a veterinary clinic and/or hospital is a conditional use "provided the Planning Board finds the use has sufficient air conditioning and soundproofing to effectively confine odors and noise so as not to interfere with the public health, safety and welfare. No outside pens or runs shall be permitted." The applicant's plans conform to this requirement, so the AMC finding can be made in this case. In addition, the projected noise control of the building design should result in City noise standards being met in nearby residential facilities, under 45 CNEL within those dwellings. Staff believes it is appropriate to monitor this potential noise issue and include a condition of approval requiring a one-year periodic review after occupancy of the new vet clinic. Staff will advise the Planning Board of any complaints or impacts from the use to surrounding properties and uses.

General Plan Conformance: The General Plan shows Community Commercial uses at this intersection, and promotes the vitality of the Park Street commercial area. The proposed new building and parking would conform to the map and policies.

**Findings:** In order to approve the requested use permit, the Planning Board shall make all of the following three findings and must determine that the proposed use favorably relates to the General Plan:

**1. The location of the proposed use is compatible with other land uses in the general neighborhood area.**

The location of the proposed use is between other office/medical uses to the west, commercial uses to the north, and the new building would be separated from office and residential uses to the south and east by the expanded parking lot and by Central Avenue. The existing veterinary clinic has demonstrated the compatibility of this use.

**2. The proposed use will be served by adequate transportation and service facilities.**

There are bus stops near the site and sufficient parking and other services nearby to provide for customers and staff.

3. **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity.**

The design of the building would contain noise, odors and other impacts to avoid adverse effects on nearby properties.

4. **The proposed use relates favorable to the General Plan.**

The General Plan designation is Community Commercial, and the proposed building and parking would fulfill General Plan policies regarding the vitality of the Park Street commercial district.

**Use Permit Conclusion:**

The findings for approval of the Use Permit for veterinary clinic have been made in this case.

**D. Design Review**

The applicant proposes to build a new 5,300 square foot one-story building for veterinary clinic use, to replace approximately 2,000 square feet of existing vet clinic and 700 square feet of mini-bank/ATM.

**Discussion:**

The project design is discussed regarding zoning standards, architecture, relationship to surrounding structures, site plan, and landscaping.

Zoning Standards: The project meets zoning standards without need for a variance, except for the requested second driveway. Building setbacks from interior property lines are ample and the parking exceeds the requirement.

Architecture: The one-story architecture is a distinctive blend of Craftsman/bungalow style with modern architectural style. The variation in roof plane, the recessed entry, an interesting mix of materials and surfaces and the overall balance and harmony of the design relate well to the Park Street commercial district. The design is a result of the specific use of the building as the architect specializes in design of veterinary clinics.

Relationship to Surrounding Structures: The one-story design and building size relative to the parcel relates well to the medical office buildings on the east side of Central Avenue near Everett, and to residential and office uses on the west side of Central Avenue. The residential building to the east would be screened by preserving the existing hedge and trees, and would be separated from the veterinary building by open parking areas as in the current development pattern. The proposed building relates well to surrounding structures.

Site Plan: The site plan concentrates the building volume at the Central/Everett corner, similar to other commercial buildings in the area which are close to the streets on which they front.



Parking would be located behind the building, screened partly from public view. The site plan makes maximum use of the parking opportunities on the 0.4 acre site.

Landscaping: The landscaping plan concentrates trees and shrubs at rear and interior sideyard boundaries, to screen the facility from neighbors and to shade the planned parking areas. Existing mature trees and hedges would be preserved except at the Central/Everett corner where the building would displace several trees. New trees would be added in the parking areas to comply with AMC parking lot shading and to give green visual impact to the design.

**Findings:** Staff believes that the following findings can be made for approval of this Design Review application:

**1. The project will have no adverse effects on persons or property in the vicinity.**

The one-story horizontal design will have no adverse shading or view blockage impacts on neighboring sites, including the adjacent residential building, and the design quality will enhance the streetscape.

**2. The project will be compatible and harmonious with the design and use of surrounding properties.**

The design mixes Craftsman style with modern style to create a compatible and harmonious design which blends well with the neighborhood at this border between commercial and residential areas.

**3. The project will be consistent with the City's Design Review Guidelines.**

The building and site will incorporate the balanced proportions and mix of design details which are encouraged in City Design Review Guidelines, and will echo the design of nearby medical office buildings.

**Design Review Conclusion:**

The required findings for Design Review approval are made in this case. The design is distinctive while blending well with the area and serving to enhance existing conditions by reconstruction.

**VI. RECOMMENDATION**

Staff recommends that the Planning Board hold a public hearing, consider all pertinent testimony and information, then act to recommend approval to the City Council of the rezoning from R-5 to C-C for the eastern parcel at 2507 Central Avenue, and subject to that rezoning by City Council, approve the Use Permit for veterinary clinic, the Variance for second driveway and the Major Design Review for the new construction, based upon the findings contained in the attached Draft Resolution. Staff will administratively process the merger.

G:\PLANNING\PB\REPORTS\2004\X-Dec 13\5vetos5.doc

CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION NO. PB-04-68

A RESOLUTION OF THE PLANNING BOARD OF THE CITY OF ALAMEDA APPROVING REZONE R04-002, VARIANCE V04-018, USE PERMIT UP04-013 AND MAJOR DESIGN REVIEW, DR04-101 FOR CONSTRUCTION OF A VETERINARY CLINIC, 1410 EVERETT

WHEREAS, an application was made on October 5, 2004 by Doctor Mary Applegate and Doctor Cathy Wydner, requesting a Rezone R-04-002 from R-5 General Residential to C-C Community Commercial for approximately 7,800 square feet at the corner of Everett and Central, a Use Permit UP04-013 for veterinary clinic in the C-C zoning district, a Variance V04-018 for a second driveway, and Major Design Review DR04-0101, to permit the reconstruction of 5,300 square foot building on a 0.4 acre site; and

WHEREAS, the application was determined to be Complete for processing November 4, 2004; and

WHEREAS, the subject property is designated as Community Commercial on the General Plan Diagram; and

WHEREAS, the subject property is located in a C-C-Community Commercial and R-5 General Residential Zoning Districts; and

WHEREAS, the project is Categorically Exempt from review under the California Environmental Quality Act, pursuant to Section 15303 of CEQA Guidelines, for development of commercial buildings under 10,000 square feet; and

WHEREAS, on December 13, 2004 the Planning Board held a noticed public hearing and considered testimony, exhibits and other materials and made the following findings; and

WHEREAS, the Board made the following findings regarding the Rezoning:

- 1) **The proposed zoning reclassification relates correctly to the General Plan land use designation** because expanding the Community Commercial designation will more fully implement the current General Plan Community Commercial map designation than would the current residential designation.
- 2) **The rezoning will have no significant adverse effects on the General Plan** and will strengthen the integrity of the General Plan by reclassifying the parcel to a zoning designation consistent with the General Plan Community Commercial designation for this area.
- 3) **The rezoning will have no significant adverse effects on the welfare of the community** because the rezoning provides for continued use of this portion of the property for parking, without increasing the size of commercial zoning consistent with the commercial

General Plan land use designation.

- 4) **The proposed zoning reclassification will be equitable** because it will correct an inconsistency in the C-C Community Commercial zoning district boundary.

**WHEREAS**, the Planning Board made the following findings regarding the Variance:

- 1). **There are extraordinary circumstances applying to the property relating to the physical constraints of the parcel, such as size, shape, topography, location, or surroundings, or applying to the proposed use of the property.** The property is on a corner with two public street frontages. The public would benefit from a second driveway and a more efficient circulation pattern to reduce on-street parking generated by this use.
- 2) **Because of extraordinary circumstances, the literal enforcement of the Zoning Ordinance standards would result in practical difficulty or unnecessary hardship such as to deprive the applicant of a substantial property right possessed by other owners of the property in the same district.** The corner location of the property and the doubling of the number of parking spaces on-site makes a second driveway necessary for this business to provide access to both street frontages. Denying this request would be inconsistent with multiple driveways on other parcels with more than one street frontage.
- 3) **The granting of the variance, under the circumstances of the particular case, will not be detrimental to the public welfare or injurious to persons or property in the vicinity.** The reduction of one on-street parking space caused by the second driveway is more than offset by the addition of off-street parking spaces on the site, and there are a significant number of other on-street parking spaces in the area. A third existing curb cut will also be removed.

**WHEREAS**, the Planning Board has made the following findings regarding the Use Permit:

- 1). **The location of the proposed use is compatible with other land uses in the general neighborhood area.** The location of the proposed use is between other office/medical uses to the west, commercial uses to the north, and the new building would be separated from office and residential uses to the south and east by the expanded parking lot and by Central Avenue. The existing veterinary clinic has demonstrated the compatibility of this use.
- 2). **The proposed use will be served by adequate transportation and service facilities.** There are bus stops near the site and sufficient parking and other services nearby to provide for customers and staff.
- 3). **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity.** The design of the building would contain noise, odors and other impacts to avoid adverse effects on nearby properties.

4). **The proposed use relates favorable to the General Plan.** The General Plan map designation is Community Commercial and the proposed building and parking would fulfill General Plan policies regarding the vitality of the Park Street commercial district.

**WHEREAS,** the Planning Board has made the following findings regarding Design Review:

1) **The project will have no adverse effects on persons or property in the vicinity.** The one-story horizontal design will have no adverse shading or view blockage impacts on neighboring sites, including the adjacent residential building, and the design quality will enhance the streetscape.

2). **The project will be compatible and harmonious with the design and use of surrounding properties.** The design mixes Craftsman style with modern style to create a compatible and harmonious design which blends well with the neighborhood at this border between commercial and residential areas.

3) **The project will be consistent with the City's Design Review Guidelines.** The building and site will incorporate the balanced proportions and mix of design details which are encouraged in City Design Review Guidelines, and will echo the design of nearby medical office buildings.

**THEREFORE BE IT RESOLVED** that the Planning Board of the City of Alameda recommends that the City Council approve Rezone R04-002; and subject to City Council approval of the Rezone, the Board approves Variance V04-018, Use Permit UP04-013; and Major Design Review DR04-101, including veterinary clinic building and parking approvals subject to the following conditions:

1. **APPROVED PLAN.** The project shall be constructed in substantial compliance with the plans date stamped October 4, 2004, by Rauhaus Architects, consisting of plansheets and color and materials boards; such plans and board constitute Exhibit "A", on file in the office of the City of Alameda Planning and Building Department, and are approved except that glass shall be minimally reflective, with an index of less than 12, except as modified by the conditions in this Resolution including but not limited to the following specific modifications:
2. **VESTING.** The Variance, Use Permit and Major Design Review shall terminate on the later of **December 13, 2005**, or one year (1 year) from the date of any subsequent approval on appeal, unless actual construction under valid permits has begun, or the developer applies for and is granted an extension prior to expiration; the Planning and Building Director is directed by the Planning Board to rule upon an extension on their behalf. The Variance, Use Permit and Major Design Review approval shall not be in force and effect, and no building permits will be issued, unless and until the developer has completed any necessary Lot Merger or Lot Line Adjustment to accomplish necessary property lines, to the satisfaction of the Planning and Building Director, and unless the City Council has first approved the Rezone from R-5 General Residential to C-C Community Commercial of approximately 7,800 square feet of the

site.

3. **FEES AND REQUIREMENTS.** Citywide Development Impact Fees and public art fees/program for incremental increase of building area (estimated to be approximately 2,500 square feet) shall be paid prior to issuance of a building permit. The applicant shall conform to the Public Art Ordinance and shall include public art approved by the Recreation and Parks process. That process may, in its discretion, find on-site decorations created by artists to qualify as a portion of public art.
4. **USE PERMIT LIMITS.** The Use Permit allows a veterinary clinic with lobby, offices, medical rooms, material storage and animal cages and animal runs, all interior only. The applicant shall confine animal walks to an area on the east side of the building, covered with artificial turf, drained to Public Works Director satisfaction and treated with chemical control for odor protection and sanitation to Planning and Building Director satisfaction. The Use Permit may be agendized before the Planning Board by the Planning and Building Director for consideration of revocation if the Use becomes a nuisance or fails to comply with the conditions.
5. **ALAMEDA POWER AND TELECOM.** The developer shall install any newly required substructures including conduits, pullboxes, and transformer pads necessary to serve the proposed improvements. The developer shall grant all easements to Alameda Power and Telecom necessary for the provision and maintenance of electrical service to the site. Easements shall include metes and bound descriptions and plats and shall be prepared by a licensed land survey or civil engineer qualified to practice land surveying. Existing easements that are no longer applicable after the proposed improvements are operational shall be vacated at the direction of AP&T and City Engineer.
6. **STORM AND SANITARY SEWER ANALYSIS** Applicant shall provide in conjunction with building and site improvement plan submittals, storm drain and sanitary sewer flow calculations of the existing and proposed development. Private storm and sanitary sewer lines shall be constructed at the owner's expense. Should the developer use the existing private storm and sanitary lines then they shall be inspected to the approval of the City Engineer and any inflow and infiltration from open joints, broken pipe, etc. shall be rehabilitated by means acceptable to the City Engineer (i.e. slip lining, pipe bursting, replacement, inversion lining etc.) at the owner's expense. Existing public storm drain mains must remain functional during construction through use of bypass lines or other means approved by the City Engineer.
7. **FIRE DEPARTMENT.** Prior to issuance of building permits, the applicant shall provide plans for approval of the Alameda Fire Department. If applicable to the type of construction, the buildings shall be fitted with automatic fire sprinkler systems to NFPA 13 standards to the satisfaction of the Alameda Fire Department. On-site 3,000 gallon per minute fire hydrant(s) shall if necessary, be installed to the satisfaction of the Alameda Fire Department.
8. **URBAN RUNOFF.** Redevelopment projects of eligible size, which in phase-in may be

10,000 or more square feet of site area, shall minimize stormwater pollutant discharges through implementation of construction sediment control and post-construction design and treatment measures, incorporating appropriate source control and site design measures to the maximum extent practicable per requirements of the Alameda Countywide Non-Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit. Approval of this resolution does not lock-in the current NPDES permitting requirements. Should the developer reconfigure the project such that Planning board re-approval of the project would be necessary, then that portion of the project would no longer be considered "grandfathered" and could be subject to any modifications in the NPDES permitting requirements.

- a. Design review submittals shall include a table showing the amount of pervious and impervious areas prior to redevelopment and the amount of pervious and impervious area after redevelopment. Areas shall be given in square feet. Conceptual proposals shall be included during design review process showing methods by which impervious surfaces will be minimized and the entry of pollutants to the storm drain system will be reduced. Such methods may include methods such as pervious parking stalls using interlocking pavers, and filter inserts and units within storm drain structures. All runoff catch basins shall be labeled "Drains to Bay."
- b. Post-construction stormwater treatment control measures shall be included into project construction plans prior to issuance of any building or grading permit. A treatment measure operation and maintenance (O&M) plan shall be subject to review and approval by the City Engineer following City procedures and standards. O&M plans shall include treatment type, location, maintenance requirements, maintenance schedule and assurances of party responsible for O&M, including on-site pavement cleaning with sweeping, litter control and spill cleanup and asphalt maintenance.
- c. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Landscaping should be designed and operated to treat stormwater runoff.
- d. Construction activities shall comply with Notice of Intent (NOI) and Storm Water Pollution and Prevention Plan (SWPPP) NPDES permitting requirements. Design plans shall include a plan for erosion and sediment control measures that implements current Best Management Practices (BMPs) during construction activities. The erosion and sediment control plan is subject to review and approval by City Engineer, consistent with applicable City Ordinance.
- e. Trash enclosures and/or recycling areas must be completely covered with wood or metal covers approved by building permits, with no surface flows from other areas draining into this area. BMP's shall be implemented to prevent potential stormwater pollution. These BMP's may include, but are not limited to, a regular program of sweeping, litter control and spill clean-up.

9. **LANDSCAPING.** Prior to issuance of building permits the applicant shall specify the size, type and number of trees, shrubs and ground cover. All landscaping and irrigation shall be installed or bonded for installation within one year, prior to approval of first occupancy of the building. A landscape maintenance agreement including any necessary bonding/performance securities shall be signed in a form approved by the Planning and Building Director.
  - a. The developer shall be required to install trees as shown on the approved landscaping plan in Exhibit "A." Species, location and size of street trees shall be generally as shown on Exhibit "A," to the satisfaction of the Planning and Building Director and the Public Works Director. Trees that are 15 gallon size or larger shall be specified unless otherwise directed by the Planning and Building Director. There shall be at least one tree per 4 parking spaces. Eucalyptus trees are not approved.
  - b. Trees shall be maintained and watered in a healthy state to achieve a canopy of greenery within the parking areas. Diseased trees shall be removed and replaced immediately with healthy trees of the same or similar species.
10. **LIGHTING.** Prior to issuance of building permits, the applicant shall submit a lighting plan and details of lighting fixtures for Planning and Building Director review and approval. Lighting shall be installed in substantial compliance with City standards, generally an average of between 2 and 5 footcandles, as determined by the Chief Building Official, Police Department and AP&T. All on-site lighting shall be downward-directed lighting and shielded to avoid lighting impacts on adjacent residential areas.
11. **AFFORDABLE HOUSING COMPLIANCE.** The project is subject to the Affordable Housing Unit/Fee Ordinance (Alameda Municipal Code Section 27-1) for floor area over and above credit for existing floor area, estimated to be approximately 2,500 square feet. The applicant must provide housing units, pay an in-lieu fee or prepare an Affordable Housing Unit/Fee Plan and secure the approval of the Housing Development Manager, prior to issuance of a building permit. The applicant must provide the housing units or pay the Affordable Housing fee, as calculated in the approved Plan, prior to issuance of the certificate of occupancy. Currently the fee is \$1.92 per square foot of building area for retail and \$3.79 per square foot of building area for offices.
12. **CONSTRUCTION REGULATIONS**
  - a. Prior to start of work of demolition, remodeling or construction, the applicant shall provide a draft waste management plan to the Public Works Environmental Services Division. This can be in any format, but must include the following:
    - i. Contractor's name, address, and telephone number
    - ii. Project location and/or street address
    - iii. Anticipated start and completion dates of the project
    - iv. A list of materials expected to be generated (e.g., glass, wood, metal, drywall,

concrete, bricks), the tonnage or volume of each material, how they are to be reused, disposed or recycled, and the destination/processor for that reuse, disposal or recycling.

The Environmental Services Division will review this draft plan for conformity with Citywide waste management plan procedures, and any changes or recommendations shall be incorporated into the site plans for the project.

At the end of the demolition, remodeling or construction project, the contractor shall submit a report to the Environmental Services Division on actual tonnages disposed or recycled for each material, and the actual destination/processor.

- b. Construction activities shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday. Noise-generating construction activities shall be limited to the hours of 8:00 a.m. and 5:00 p.m. Work on Saturdays shall require special approval of the City Engineer. No construction activity shall be permitted on Sundays or State and Federal holidays. Work requiring inspection after 3:30 p.m. weekdays will require city construction inspection fee at time and a half (1-1/2). Said fee will be in accordance with the latest public works fee overtime schedule. Work done on Saturdays requiring inspection is prohibited unless approved by the city engineer and an inspector is available. Inspection fees for Saturday work will be at time and a half (1-1/2) with a four-hour minimum.
- c. All construction vehicles shall adhere to City of Alameda truck routes.
- d. Storage of construction material and equipment on city streets will not be permitted.
- e. The contractor shall provide all lights, signs, barricades, flagmen, or other traffic safety devices necessary to provide public safety in accordance with standards. The contractor shall provide a traffic control plan to the approval of the City Engineer. The contractor shall allow a minimum of three working days for review of the traffic control plan.
- f. Temporary no parking on City streets for construction will require posting of "No Parking Signs" 48 hours in advance. Signs are available at the Building Services Office, Room 190, City Hall. Only City of Alameda issued no parking signs will be allowed.
- g. Construction equipment shall be properly muffled. Unnecessary idling of grading construction equipment is prohibited.
- h. Stationary noise-generating construction equipment such as compressors shall be located as far as practical from occupied residential housing units.



- i. Contractor shall be responsible for responding to any local complaints about construction noise.
  - j. Construction equipment, tools, etc. shall not be cleaned or rinsed into a street, gutter, storm drain or stream. Shovel or vacuum saw-cut slurry and remove from site.
  - k. A contained and covered area on-site shall be used for storage of cement bags, paints, flammables, oils, fertilizers, pesticides, or any other materials that have potential for being discharged to the storm drain system by wind or in the event of a material spill.
  - l. All construction debris shall be gathered on a regular basis and placed in a dumpster which is emptied or removed weekly. When feasible, tarps shall be used on the ground to collect fallen debris or splatters that could contribute to stormwater pollution. Any temporary on-site construction piles shall be securely covered with a tarp or other device to contain debris.
  - m. Concrete/gunite trucks and concrete/plaster finishing operations shall not discharge wash water into the street gutters or drains.
  - n. Trash and debris shall be cleaned up daily on all public streets in the project vicinity and along haul routes. Sweep as needed and as directed by the Public Works Inspector.
13. **HOURS OF OPERATION.** The facility shall not be open to the public from 10 pm to 7 am unless a subsequent Use Permit is requested and approved. The exception is public parking which the owner may choose to make available at no cost in the evenings before 2 am. No animals shall be taken outside for walks between 10 pm to 7 am except by their owners.
14. **PLANNING AND BUILDING DEPARTMENT INSPECTION.** At least 4 days prior to approval of occupancy, the applicant shall notify the Planning and Building Department to inspect the building and site to assure compliance with these conditions.
15. **PARCELS.** Lot line adjustment has not yet been filed for the property. Buildings shall meet property line separation requirements of the Building Code. A lot line adjustment map may be filed and approved pursuant to City subdivision regulations and the California Subdivision Map Act.
16. **NOISE.** A veterinary clinic is approved as shown in Exhibit A only. The applicant shall incorporate, to Planning and Building Director satisfaction, noise control and reduction measures into the operation, building design and/or site plan sufficient to achieve exterior noise standards at the receiving land use set forth in Section 4-10.4 (Exterior Noise Standards) of Alameda Municipal Code Article II (Noise Regulations). Such noise reduction may include but are not limited to one or more of the following:
- a. Requiring closed windows and use of a ventilation system.

- b. Noise suppressing exterior wall and window construction.
  - b. Noise baffles to supplement protection for residential neighbors if required.
- Staff shall monitor noise impacts per Condition 19 from this use for a period of one year after occupancy of the new vet hospital and advise the Planning Board of any noise complaints or impacts from the use to surrounding properties and uses. If there are no complaints or identified impacts no further periodic review will be necessary.
- 17. **GEOLOGY AND SOILS.** The applicant shall implement any geotechnical recommendations identified by the Chief Building Official including:
    - a. Clearing the site of vegetation, structures, foundations, pavement and debris.
    - b. Over-excavating building pad and paving, moisture-conditioning, compacting soil.
    - c. Backfilling utility trenches with compacted soil.
    - d. Implementing Cal-OSHA construction methods.
    - e. Supporting structures on properly constructed spread footings.
    - f. Constructing properly prepared concrete slab-on-grade floors and retaining walls.
  - 18. **POLICE DEPARTMENT.** The business should be equipped with alarm system installed and monitored covering all perimeter doors and windows. Rooftop ladders should not be placed outside the building. Address numbers shall be illuminated during hours of darkness, in position to be easily readable from the street, a minimum of 12 inches high. Rear entrance doors shall be numbered with characters at least 4 inches in height and illuminated during darkness. All doors shall be commercial grade and secured using deadbolt locks except panic hardware. Except adjacent to rear and north side property lines, shrubs shall be trimmed to a maximum of 42 inches.
  - 19. **PERIODIC REVIEW.** The Planning and Building Director shall monitor the Use Permit and place it on the Planning Board agenda for review after one year of occupancy of the facility, and as needed thereafter to ensure compliance with conditions, particularly for noise and odors that may affect nearby residential properties.
  - 20. **ACKNOWLEDGMENT OF CONDITIONS.** The applicant shall acknowledge in writing all of the conditions of approval and must accept this permit subject to those conditions and with full awareness of the applicable provisions of Chapter 30 of the Alameda Municipal Code in order for this Planned Development, Use Permit and Major Design Review to be exercised.
  - 21. **HOLD HARMLESS.** The City of Alameda requires as a condition of this Variance, Use Permit and Major Design Review approval, that the applicant, or its successors in interest, defend, indemnify, and hold harmless the City of Alameda or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City concerning the subject property. The City of Alameda shall promptly notify the developer of any claim, action or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the developer of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the developer shall not hereafter be responsible to defend, indemnify, or hold

harmless the City.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and any such appeal must be made within ten (10) days of the decision or decision on any appeal by completing and submitting an appeal form and paying the required fee.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE. The conditions of project approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020 (d) (1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and exactions. The applicant is hereby further notified that the 90 day appeal period in which the applicant may protest these fees and other exactions, pursuant to Government Code Section 66020 (a) has begun. If the applicant fails to file a protest within this 90 day period complying with all the requirements of Section 66020, the applicant will be legally barred from later challenging such fees or exactions.

PASSED AND ADOPTED this 13<sup>th</sup> of December 2004 by the Planning Board of the City of Alameda to recommend Rezoning R04-0002 to City Council for approval by the following vote:

AYES: (6) Kohlstrand, Piziali, Cook, Cunningham, Mariani, McNamara

NOES: (0)

ABSENT: (1) Lynch

PASSED AND ADOPTED this 13<sup>th</sup> of December 2004 by the Planning Board of the City of Alameda to approve Use Permit UP04-0013, Variance V04-0018 and Major Design Review DR04-0101 by the following vote:

AYES: (5) Kohlstrand, Piziali, Cunningham, Mariani, McNamara

NOES: (1) Cook

ABSENT: (1) Lynch

ATTEST:

---

Gregory Fuz, Secretary  
City Planning Board

- 8-B. **R04-0002, UP04-0013, V04-0018, DR04-0101: 1410 Everett—Mary Applegate and Kathy Wydner (DV).** Request for rezoning of 1/5 acre from R-5 to C-C, variance for a second driveway when one driveway is otherwise permitted by Alameda Municipal Code, use permit for veterinary hospital and major design review to allow 5,300 square foot new commercial building (veterinary hospital) to replace approximately 2,000 square foot building; parking lot expansion to 23 spaces. The property is in the C-C Community Commercial and R-5 Hotel Residential Zoning Districts.

Mr. Valeska summarized the staff report. He noted that the second sentence of Condition 9 should be changed slightly. It currently reads: "All landscaping irrigation shall be installed prior to the approval of the first occupancy of the building." Mr. Valeska advised that the applicants intended to finish the new building before the old building is torn down. He suggested that the language be changed to "... within a period of a time approved by the Planning and Building Director." Staff recommended approval of this item.

The public hearing was opened.

Mr. John Barni, 1023 Auburn Court, noted that he built the condominium next door to the project site, and he lived adjacent to the project site. He expressed concern about noise and smell from the dogs resulting from the exercise area in back of the building. He believed the building design was very attractive.

Mr. Richard Rowe, 22652 Shady Grove Circle, Lake Forest, project architect, noted that he had practiced veterinary architecture for 25 years, noted that the practice of veterinary medicine had changed significantly since the original building was designed. He added that the current building was technically obsolete in terms of current practice, and that there was a movement toward large, regional facilities of up to 20,000 square feet. He noted that this facility was owned and operated by two local veterinarians. He noted that the building setbacks, and described the insulated soundwalls; glass block would provide further noise insulation. With respect to the sound mitigation from the back of the building, there would be sound transition vestibules. In addition, none of the windows in the wards would be operable. The noise from the mechanical systems would be mitigated by providing elbows in and lining the ductwork; the mechanical exhausts would be goosenecked to point away from any potential conflict. UVC emitters would be incorporated in all the supply ducts, which would kill bacteria and viruses. Because odor was a byproduct of bacteria, the elimination of bacteria would eliminate the odor. He stated that the synthetic grass turf in the back yard would have its own drainage system. It would be maintained several times a day to control disease and odor. He noted that dogs walked by the neighborhood residents along the streets cannot be controlled by the facility, but he understood that the dogs would not be walked along Central or Everett Streets. The dogs would be walked on-site.

In response to an inquiry by President Cunningham regarding removal of biowaste and surgical waste from the site, Mr. Rowe replied that elevated toilets would handle the fecal waste.

The public hearing was closed for Board discussion.

Dr. Mary Applegate, applicant, replied that they used a service to collect euthanized animals, which were kept in a freezer in the facility until pickup. Medical waste is cremated, and would never be thrown in the garbage.

In response to an inquiry by President Cunningham whether the facility used radioactive iodine, Dr. Applegate confirmed that they did not.

In response to an inquiry by Vice President Cook, Dr. Applegate replied that the dogs were walked on their site near the minibank, and added that the dogs sometimes used the ivy to relieve themselves, which did cause some odor. She added that they also cleaned up after neighborhood dogs when their owners did not. She noted that the ivy would not be a factor, and that they would be able to disinfect the new area.

Mr. Rowe noted that the building would not be a pure Craftsman structure, but that they would use certain design components to capture the spirit of the Craftsman style.

Mr. Piziali complimented Mr. Rowe on the building design.

President Cunningham believed that the architect did a good job on the articulation.

A discussion of glass reflectivity ensued.

Ms. Kohlstrand inquired as to whether the reflective glass was required functionally for the project; the project sponsor indicated that it was not required. In addition, the conditions of approval should include a recommendation that there would be no reflective glass on the building.

In response to an inquiry by Ms. Kohlstrand, Mr. Rowe confirmed that shiplap siding with mitered corners would be used, which was out of the Craftsman era.

M/S Cook/Kohlstrand to reopen the public hearing.

AYES – 5 (Lynch absent); NOES – 1 (Piziali); ABSTAIN – 0

The public hearing was reopened.

Mr. Barni noted that the staff report did not state that the animals would be walked outside in the back area. He expressed concern that the odor from the dogs' urine would infringe on the neighbors.

Mr. Rowe noted that the animals were not taken out to that area exclusively for urination, which generally took place within the hospital, where sufficient measures would be taken. The area in the back was primarily for general exercise, and the dogs would not be left alone outside.

The public hearing was closed for Board discussion.

In response to an inquiry by Ms. Kohlstrand regarding the hours of no-cost parking, Mr. Valeska advised that the wording would be amended to be "at no cost in the evenings before 2 a.m."

Dr. Mary Applegate, applicant, wished to address the odor issue, and noted that this was the first complaint she had heard in ten years about an odor issue. She noted that there was currently a lot of open space that was landscaped, where the dogs were walked. She noted that they were extremely careful to keep the area clean. She added that there was open access to neighborhood pet owners as well, and believed that the odor emanated from those occurrences. She believed the new design would vastly improve the situation.

In response to Vice President Cook's concerns about odors, Mr. Valeska advised that Condition 4 could be amended to confine outdoor animal walking to the area immediately east of the building, and shall be chemically treated. The applicant has stated that they would do that, and staff would monitor that.

Vice President Cook suggested that the dogs be walked in an interior courtyard design, which would wall off the exercise area from the neighborhood.

Dr. Applegate advised that there was currently no controlled area to walk the dogs, and that the new design would provide a controlled exercise area.

President Cunningham agreed that tighter conditions would control how the space was used more effectively, and agreed with the chemical treatments. He believed that if there was a problem, the neighbors would lodge complaints.

M/S Kohstrand/Piziali and unanimous to adopt Planning Board Resolution No. PB-04-68 to approve a request for rezoning of 1/5 acre from R-5 to C-C, and variance for a second driveway when one driveway is otherwise permitted by the Alameda Municipal Code.

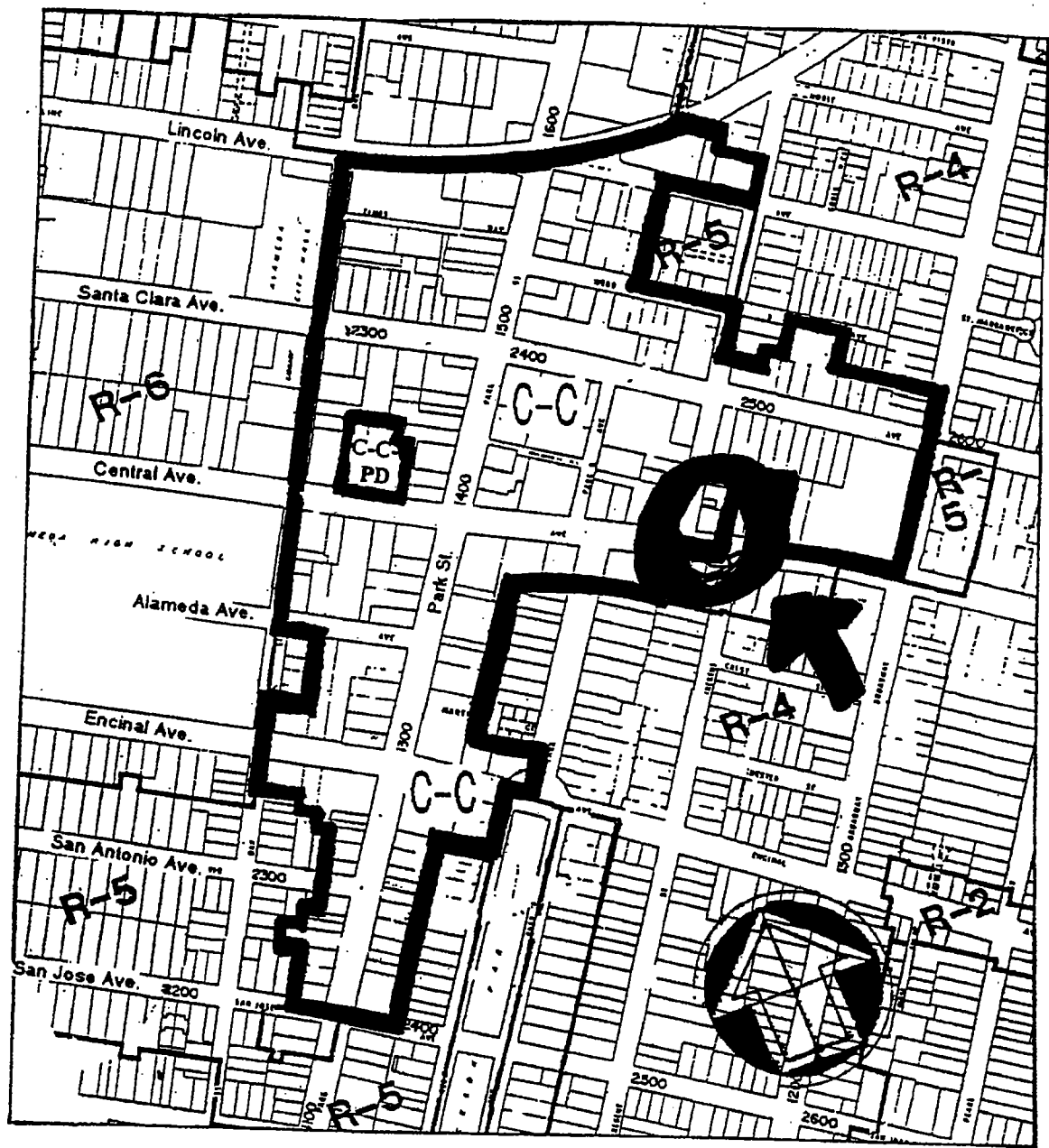
AYES – 6 (Lynch absent); NOES – 0; ABSTAIN - 0

M/S Kohstrand/Piziali to adopt Planning Board Resolution No. PB-04-68 to approve a use permit for veterinary hospital and major design review to allow 5,300 square foot new commercial building (veterinary hospital) to replace approximately 2,000 square foot building; and parking lot expansion to 23 spaces. The approval would be subject to the following modifications:

Amend condition 4 confirming dog-walking area east of the building and chemically treating the area and condition to clarify parking lot hours before 2 a.m.

AYES – 5 (Lynch absent); NOES – 1 (Cook); ABSTAIN - 0

Ms. Mariani left the meeting after this item.



Prepared by Planning Department  
November 13, 2000



STATISTICAL SITE SUMMARY

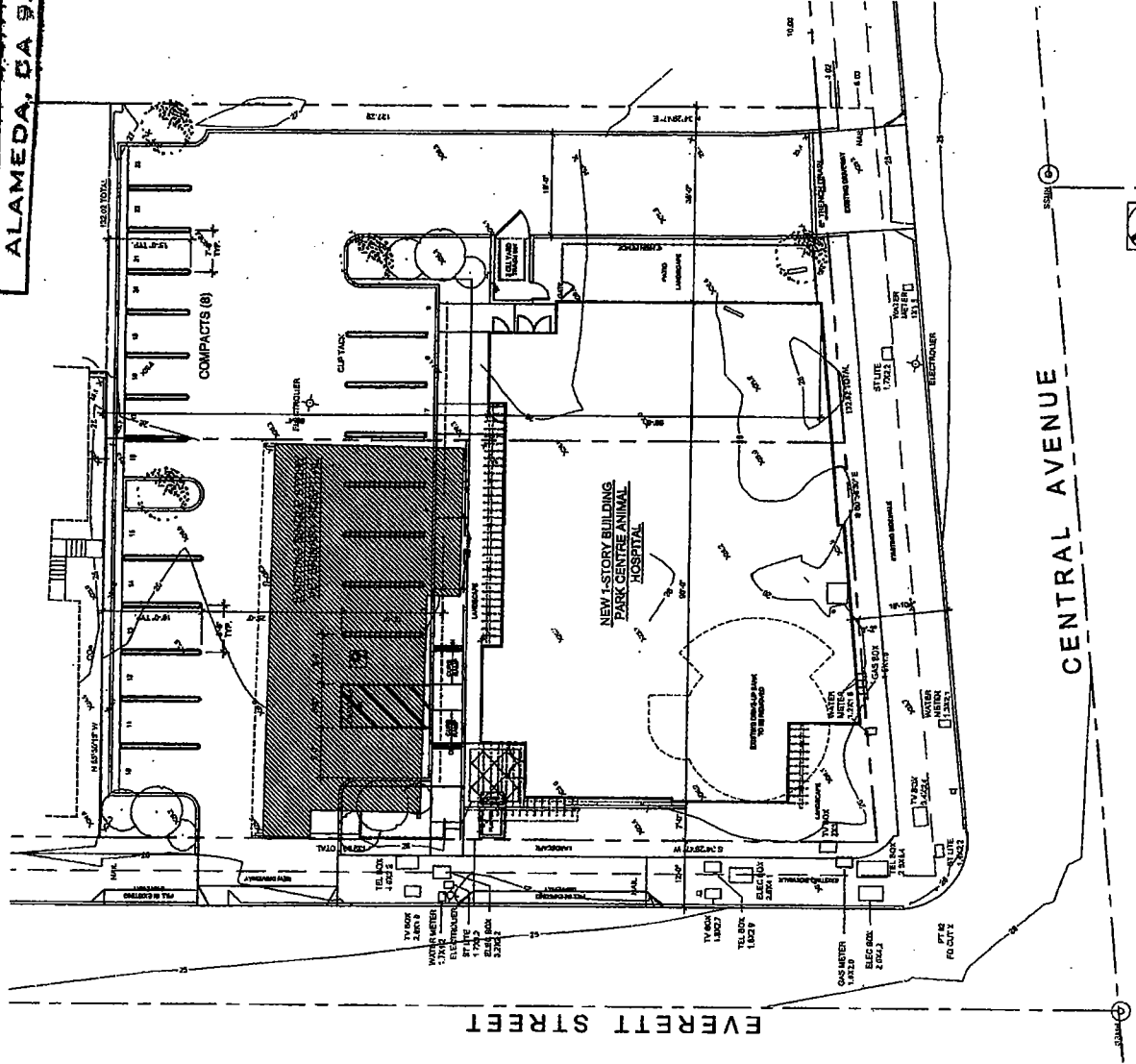
ZONING: COMMUNITY COMMERCIAL (CC)  
 LOT AREA: 17,668 SF (4.1 ACRES)  
 BUILDING LOT COVERAGE: 36 %

BUILDING SUMMARY:  
 HOSPITAL AREA: 4,205 SF  
 WARD/STORAGE AREA: 1,090 SF  
 TOTAL FLOOR AREA: 5,295 SF

PARKING REQUIREMENTS  
 HOSPITAL AREA (1:200): (4,205 SF / 200) = 21.0 spaces  
 WARD/STORAGE (1:1000): (1,090 SF / 1000) = 1.0 spaces

PARKING SUMMARY:  
 PROVIDED (includes 8 compact spaces): 22 SPACES  
 23 SPACES

V04-0018  
 PROJ-0101  
 R04-0002  
 U04-0013



CENTRAL AVENUE

EVERETT STREET

RECEIVED  
 OCT - 4 2004

PERMIT CENTER  
 ALAMEDA, CA 94501

**Rauhaus Architects**  
 22652 Shady Grove Circle, Lake Forest, CA 92630  
 (949) 9187 • FAX: (949) 586-7394



By: [Signature]  
 Title: [Title]  
 Date: [Date]



**Park Centre Animal Hospital**  
 1410 Everett Street, Alameda, CA  
 Mary B. Applegate, DVM, Emily Wyder, DVM

A1.1  
 SITE PLAN  
 1

Park Centre Animal Hospital  
 1410 Everett Street, Alameda, CA  
 Mary B. Applegate, DVM, Casey Wyder, DVM



THIS PLAN IS THE PROPERTY OF RAUHAUS ARCHITECTS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF RAUHAUS ARCHITECTS.

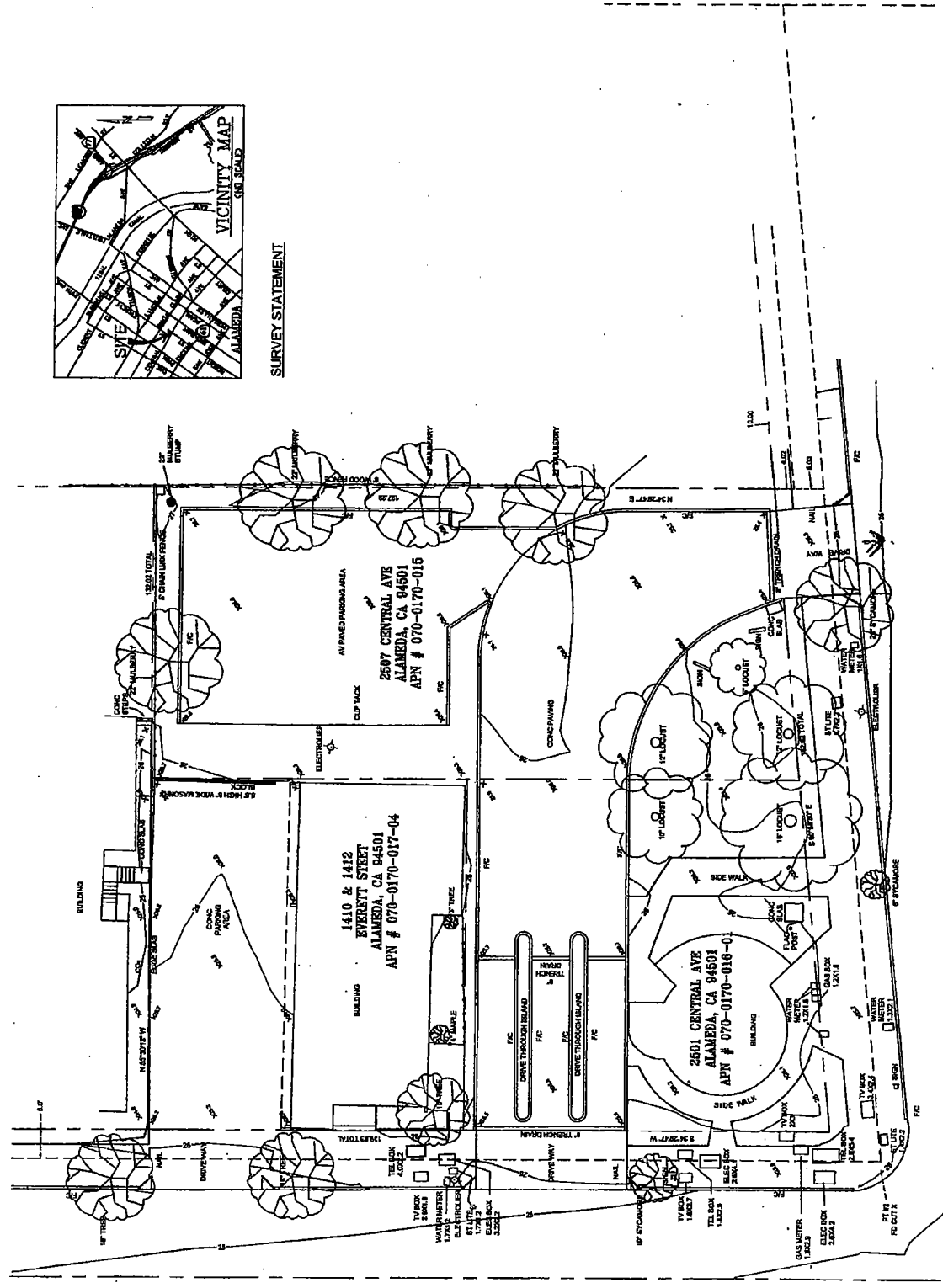
**Rauhaus Architects**  
 22652 Shady Grove Circle, Lake Forest, CA 92630  
 (949) 571-9700 • FAX: (949) 586-7394

This map is not a survey. It is a site plan. It is not to be used for any other purpose than the one for which it was prepared. It is not to be used for any other purpose than the one for which it was prepared.

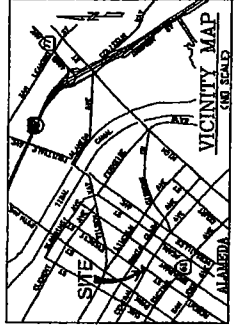


CENTRAL AVE. 80' WIDE

EVERETT ST. 60' WIDE



**SURVEY STATEMENT**

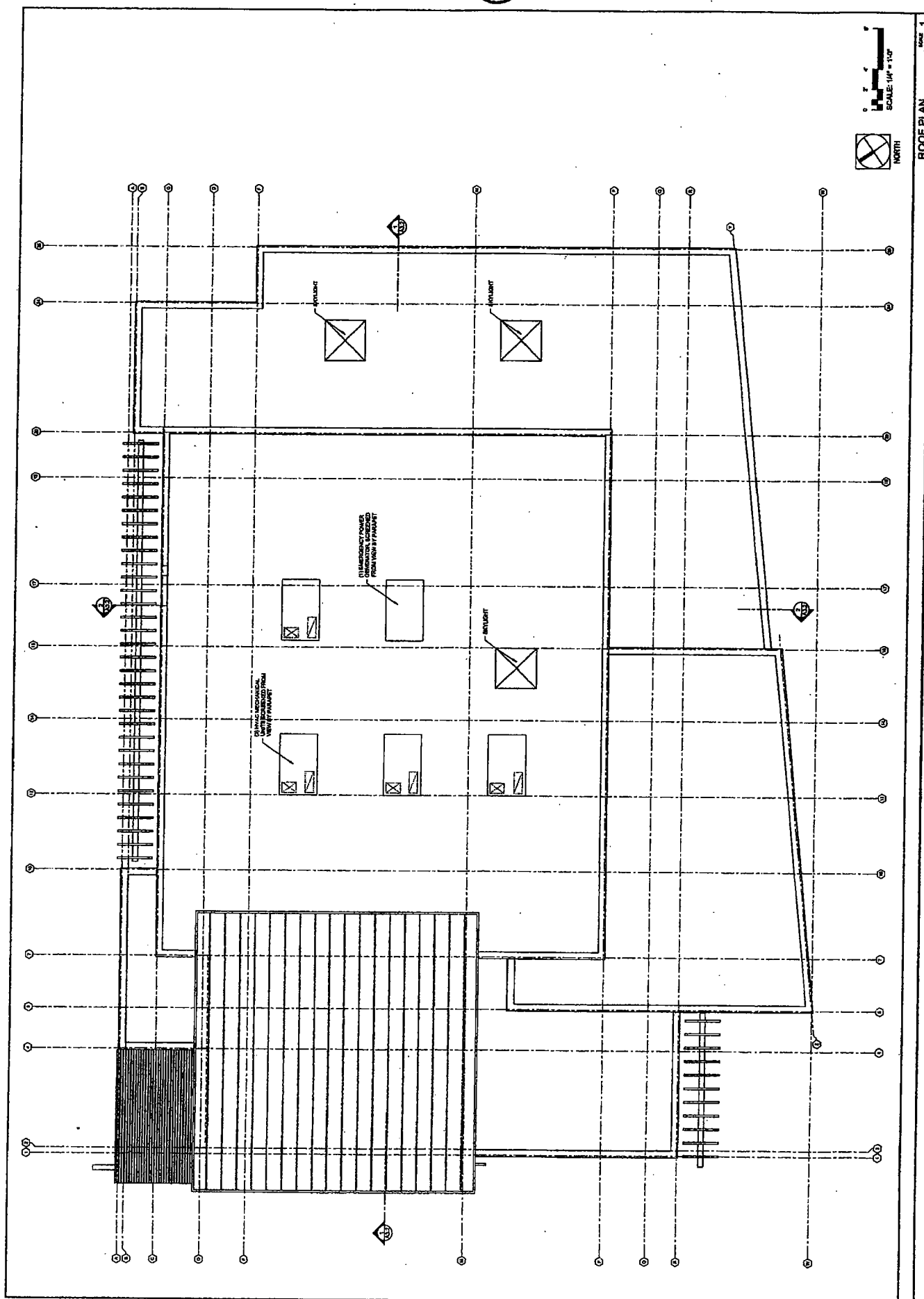




1410 Everett Street, Alameda, CA

[illegible]

**Rauhaus Architects**  
22652 Shady Grove Circle, Lake Forest, CA 92630  
(949) 577-9700 • FAX: (949) 586-7394

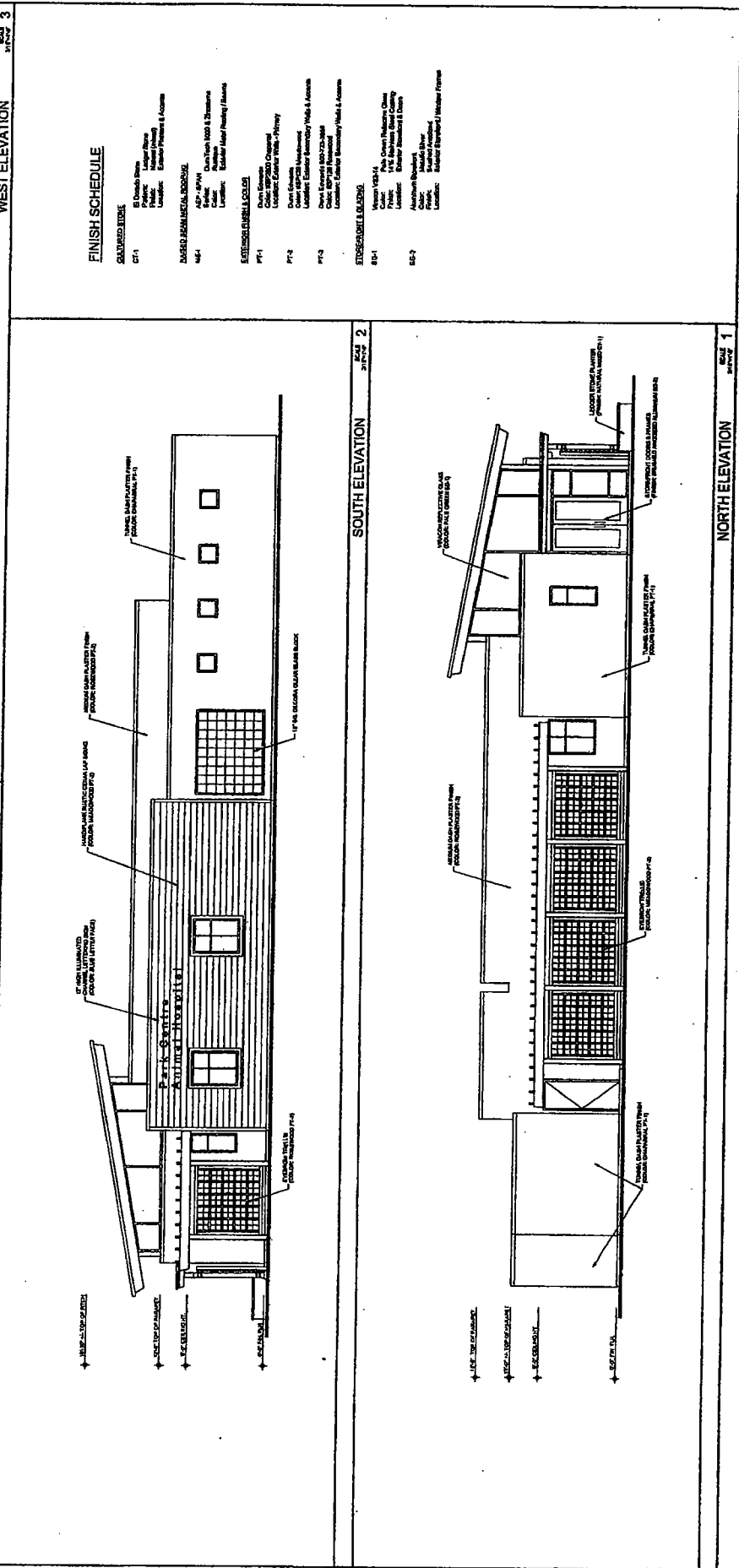
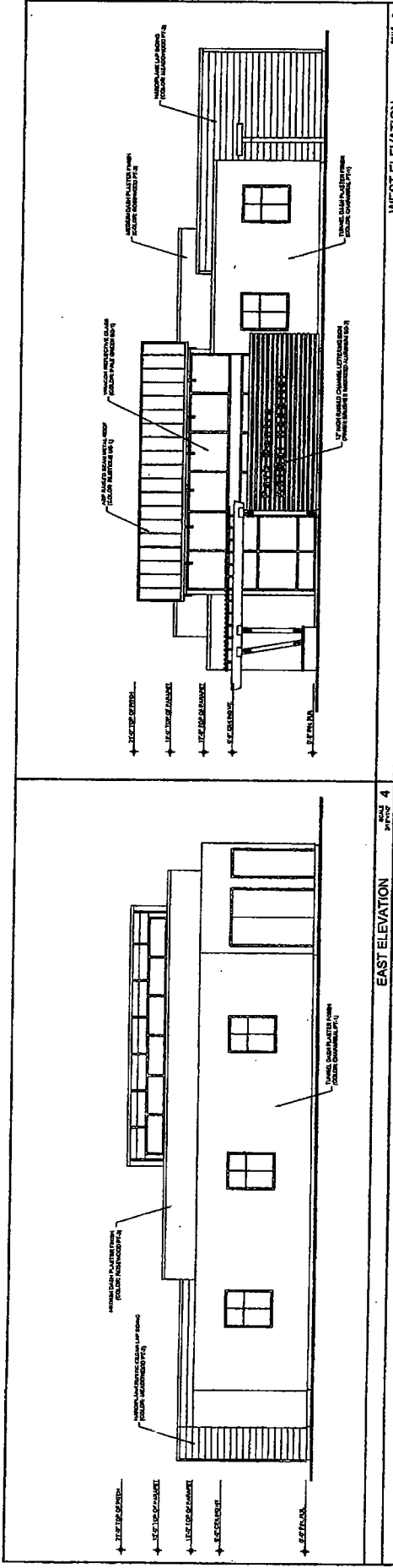




THESE ELEVATIONS WERE PREPARED BY THE ARCHITECT FOR THE PROJECT DESCRIBED HEREIN. ANY REVISIONS TO THE ELEVATIONS MUST BE APPROVED BY THE ARCHITECT. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.



**Park Centre Animal Hospital**  
 1410 Everett Street, Alameda, CA  
 Mary B. Applebee, DVM, CMAA, WMA, DVM



**FINISH SCHEDULE**

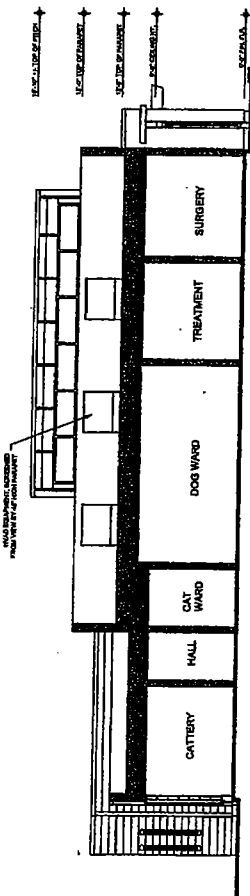
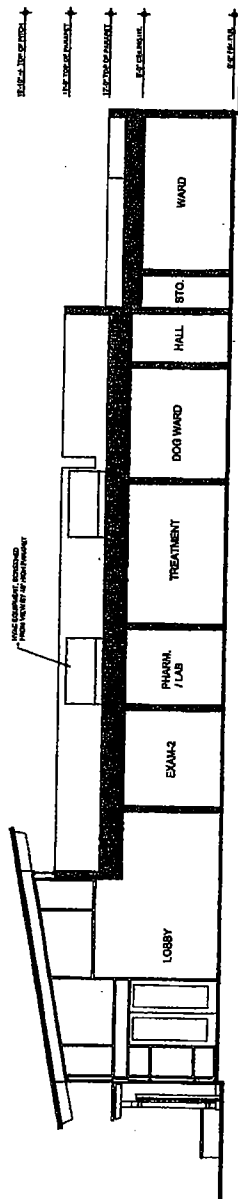
<b>GLAZING</b>	
GT-1	1/2" Double Glaze Frame: Anodized Aluminum Location: Exterior Windows & Doors
<b>DOOR</b>	
MD-1	1/2" x 4" x 1/2" x 1/2" Frame: Anodized Aluminum Location: Exterior Entrance
<b>EXTERIOR WALLS &amp; ROOF</b>	
PF-1	1/2" x 4" x 1/2" x 1/2" Frame: Anodized Aluminum Location: Exterior Entrance
PF-2	1/2" x 4" x 1/2" x 1/2" Frame: Anodized Aluminum Location: Exterior Entrance
PF-3	1/2" x 4" x 1/2" x 1/2" Frame: Anodized Aluminum Location: Exterior Entrance
<b>ROOFING</b>	
RS-1	1/2" x 4" x 1/2" x 1/2" Frame: Anodized Aluminum Location: Exterior Entrance
RS-2	1/2" x 4" x 1/2" x 1/2" Frame: Anodized Aluminum Location: Exterior Entrance

Park Centre Animal Hospital  
 1410 Everett Street, Alameda, CA  
 Mary B. Applegate, DVM, Cindy Wyder, DVM



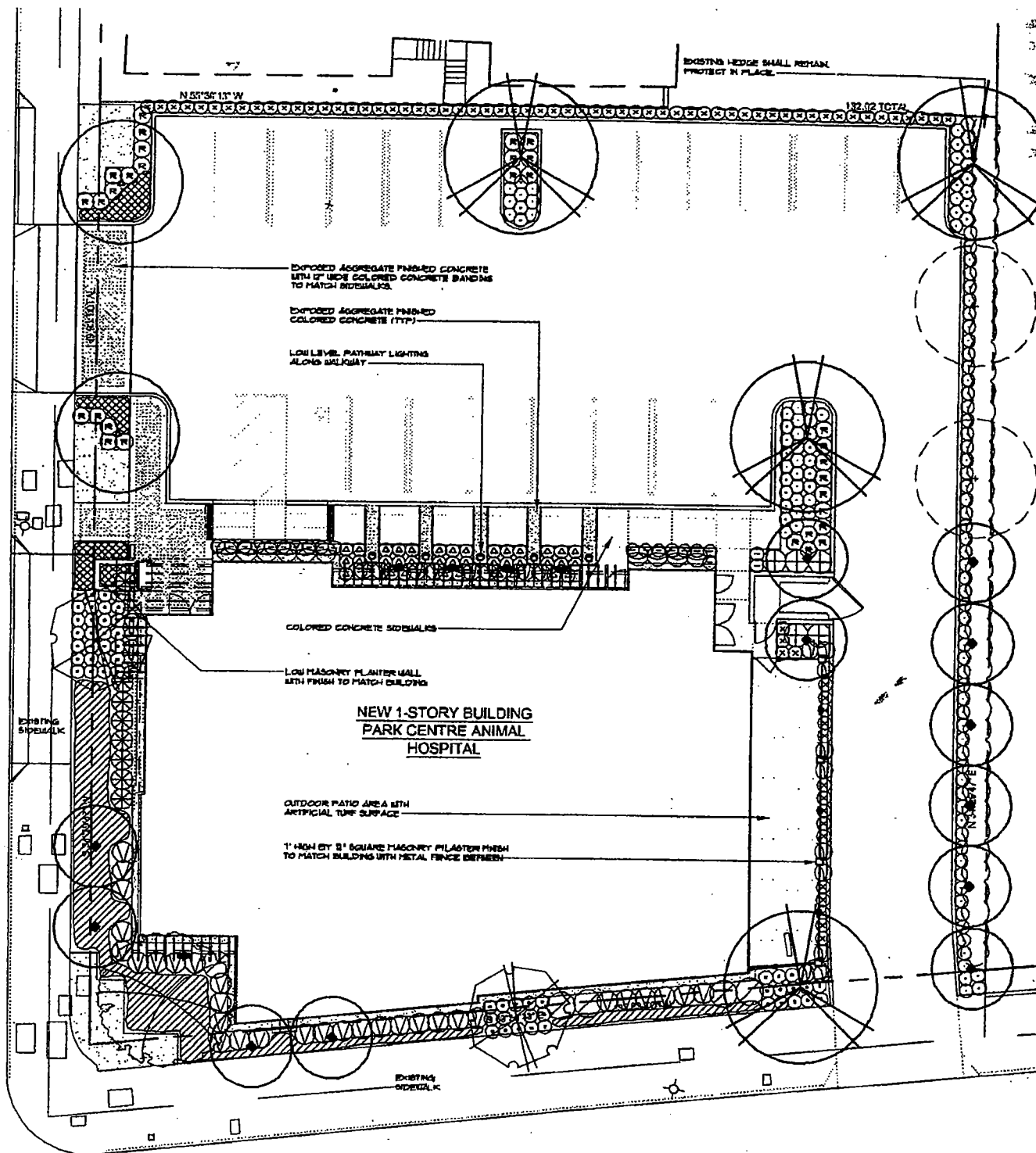
By using this drawing, the user agrees to hold the Engineer harmless from and against all claims, damages, costs and expenses, including reasonable attorneys' fees, that may be asserted against the Engineer by any third party. The Engineer shall not be responsible for the consequences of any errors or omissions in this drawing, or for any reliance on this drawing by any third party. The Engineer shall not be responsible for the consequences of any errors or omissions in this drawing, or for any reliance on this drawing by any third party.

**Rauhaus Architects**  
 22652 Sharv Grove Circle, Lake Forest, CA 92630  
 (949) 587-7394 • FAX: (949) 686-7394



EVERETT STREET

RECEIVE



CENTRAL AVENUE

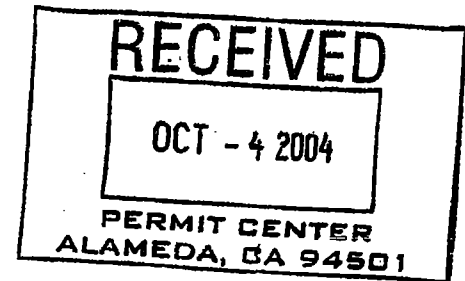
SSMH





October 4, 2004

City of Alameda Planning Department  
2263 Santa Clara Avenue  
Alameda, California 94501



Re: Park Centre Animal Hospital Letter of Operations

To Whom It May Concern,

This letter will serve as our formal request to obtain a use permit to build and operate a new veterinary hospital of approximately 5,295 square feet to replace the old existing hospital of approximately 2,000 square feet located at 1410 Everett Street in Alameda, California. To meet the design /programming objectives for this new facility, both a lot line adjustment between 1410 Everett Street and 2501-2507 Central Avenue properties, and a zone change to C-C for the rear parcel of 2501-2507 Central Avenue will need to be accomplished.

Our goal is to build a new, state-of-the-art veterinary hospital to provide a level of professionalism, service, and quality that we believe is not widely available in the veterinary market. The New Park Centre Animal Hospital will operate as a full service veterinary medical center offering medical, surgical, dental, preventative medicine and diagnostics for small mammals, birds, reptiles and amphibians.

*Our Hours of operation will be as follows:*

8:00 am-6:00 pm Monday, Tuesday, Wednesday & Friday  
8:00 am-8:00 pm Thursday  
9:00 am-4:00 pm Saturday  
10:00 am-4:00 pm Sunday

The new facility's architectural design will reflect a contemporary craftsman style. The exterior architecture will reflect a discriminating use of metal roofing, espaliers, performance glazing, shiplap siding and plasterwork. The colors and landscaping anticipated for the building and site will be selected to be complementary with the surrounding residential area.

Effective sound control /mitigation techniques such as sound attenuating vestibules, sound rated walls, proper insulation, and mechanical baffles will be incorporated into the building's design to assist in the elimination of unwanted noise to the hospital's surrounding community.

**RAUHAUS ARCHITECTS**

22652 SHADY GROVE CIRCLE, LAKE FOREST, CA 92630

P: 949.586.6187 F: 949.586.7394



We believe it is very important to mention that all dog ward and run areas will be indoors. These areas will be designed with state-of-the-art mechanical air handling systems to effectively reduce /mitigate interior noise and odor to the outside environment. UVC (ultra violet C) emitters will be incorporated into the mechanical air handling systems to sterilize the air, thus eliminating odor and the spread of disease. By design, the components of a facility are physically oriented and organized to maximize their functional/efficiency relationships, while still reducing noise levels both on and off site.

The total gross floor area of the proposed new veterinary hospital is approximately 5,295 SF. The proposed use consists of a mixed-use combination of animal hospital office use with supporting minimal occupancy animal ward /storage components. Actual animal hospital / office use area consists of approximately 4,205 SF. The animal wards occupancy use areas, which includes storage, isolation ward, ICU ward, cattery wards, and dog wards totals approximately 1,090 SF.

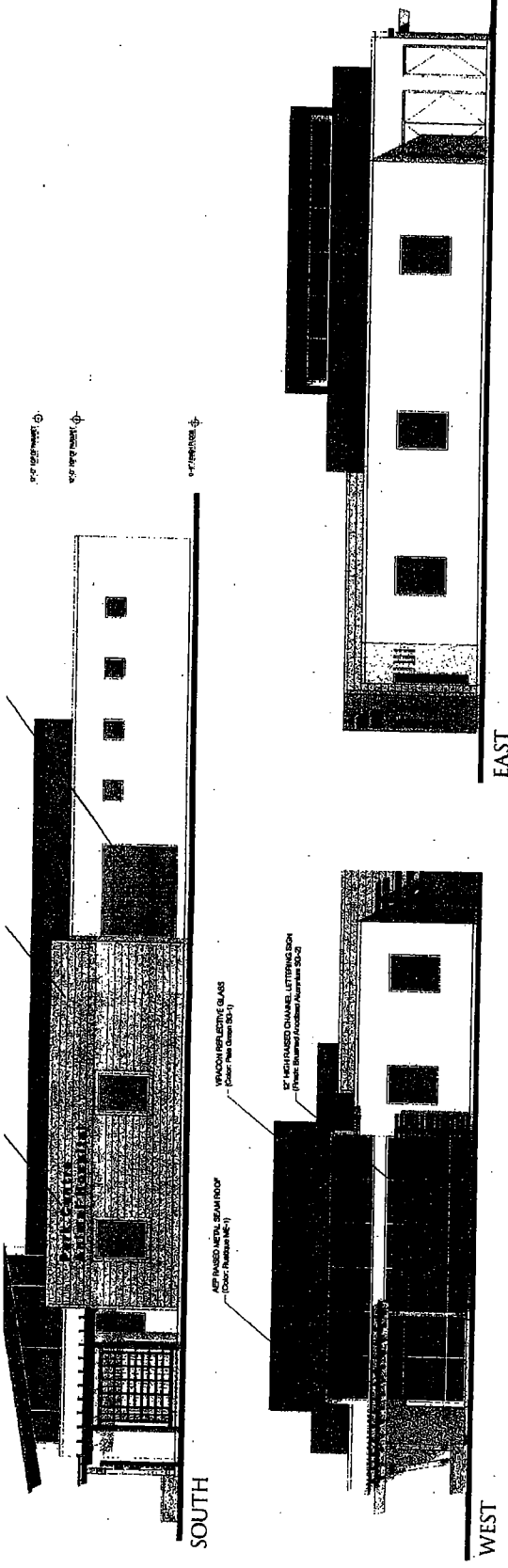
The total number of employees anticipated for this particular veterinary hospital is consistent with **well established / published veterinary management practice standards**. This facility's doctor to support staff ratio is 1:4. The facility is designed to support a two-doctor practice, which translates to 8 employees total. Since this practice works under an appointment schedule based program with 20-30 minute interval scheduling, no more than 6-8 clients will most likely be in the facility at any one given time. As such, the total parking needed should never exceed 18 to 20 spaces (allowing 2 additional spaces for occasional emergency walk-in clients). Twenty-three parking spaces are provided on-site.

We hope that this additional information helps to further clarify your understanding of Dr. Applegate's and Dr. Wydner's proposed new animal hospital practice and its' parking requirements. Your assistance with our project is greatly appreciated. We are very excited about our project and we look forward to working together with you and your staff on this new hospital endeavor. Please feel free to call me to go over any issues in more detail.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Rauh', with a long horizontal line extending to the right.

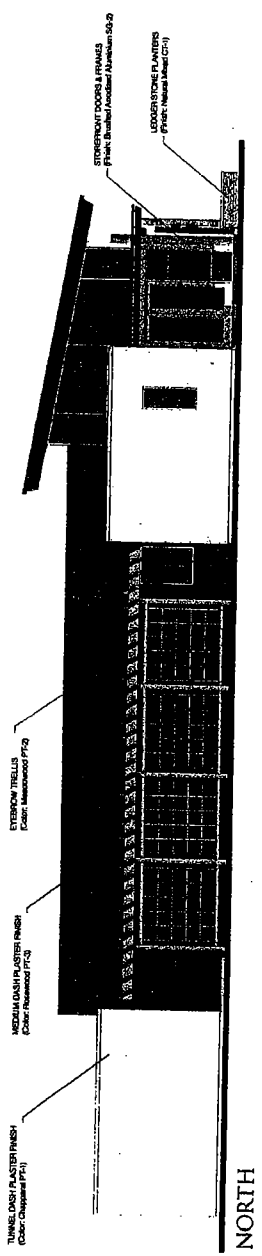
Richard M. Rauh, AIA  
Architect



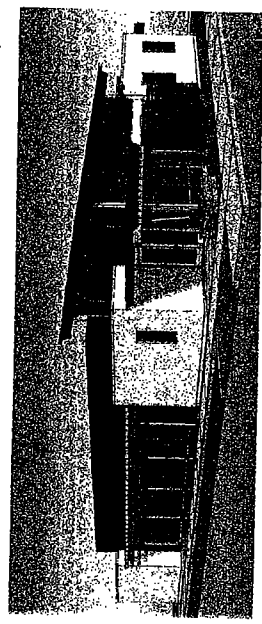
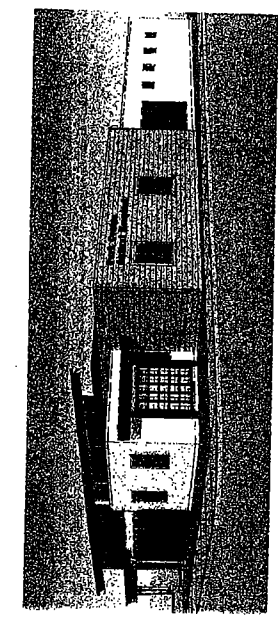
SCALE

EAST

WEST



NORTH



Park Centro Animal Hospital

# City of Alameda

## Memorandum

DATE: January 25, 2005

TO: Honorable Mayor and  
Councilmembers

FROM: William C. Norton  
Interim City Manager

RE: Public hearing to consider rezoning of approximately 7,800 square feet of property from R-5 General Residential to C-C Community Commercial; and to consider an appeal of the Planning Board's approval of Design Review DR04-0101 at 1410 Everett Street, to allow a 5,300 square foot new commercial building (veterinary hospital) to replace approximately 2,000 square of commercial buildings, with a parking lot expansion to 23 spaces. The property is in the C-C Community Commercial and R-5 Hotel Residential Zoning Districts.

---

### BACKGROUND

Doctors Applegate and Wydner, DVM, applied for Rezoning, Use Permit and Major Design Review to replace two existing commercial buildings including their clinic with a 5,300 square foot one-story veterinary clinic and 9 additional parking spaces. On December 13, 2004 after public hearing, the Planning Board recommended to the City Council to approve the rezoning of a portion of the site from R-5 General Residential to C-C Community Commercial, and the Board approved the Use Permit and Major Design Review. On December 22, 2004, Mr. J. Barni, who spoke at the Board's hearing against the project, filed an appeal of the Design Review. The City Council hearing is on February 1, 2005.

### DISCUSSION/ANALYSIS

The project includes a parcel which is currently zoned R-5 and classified in the General Plan as Community Commercial. The Planning Board recommended approval to rezone this parcel C-C, Community Commercial to establish consistency with the General Plan and Zoning. The appellant has not appealed this action to rezone the property.

The appellant has appealed the Design Review and Use Permit applications which would allow construction of the veterinary clinic. The applicant's letter of appeal is included as Attachment #2. Staff's response is included in Attachment #1. The appellant's basis for appeal is that the design does not fit the area or relate well to the condominium building to the east, in which the appellant is an owner. Staff notes that the Board considered the City's zoning requirements and made findings on the appropriateness of the design after public testimony and prior to taking action to approve the project. Please see Attachment 1 for a more detailed discussion.

**BUDGET CONSIDERATION/FISCAL IMPACT**

There will be no additional funding in the Planning and Building Department budget necessary relative to the appeal.

**RECOMMENDATION**

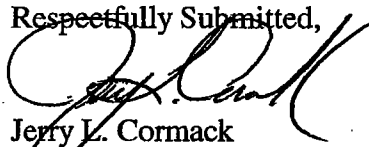
The Planning Board recommends that the City Council conduct a public hearing, review all pertinent information and testimony, and then act to:

- 1.) Rezone approximately 7,800 square feet from R-5 to C-C; and
- 2.) Uphold the Planning Board approval of the Design Review by adopting the draft Resolutions contained in the agenda packet.

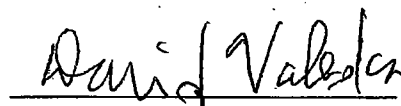
Should the City Council determine that the appeal has merit and the project should be denied, the City Manager recommends the City Council take action to rezone the 7,800 sq. ft. parcel from R-5 to C-C to establish consistency with the Zoning Ordinance and General Plan. After taking action on the rezoning the City Council would then take action to deny the project.

Should the City Council take no action, the decision of the Planning Board stands.

Respectfully Submitted,

  
Jerry L. Cormack  
Interim Planning Director

By:

  
Dave Valeska  
Planner III

**Attachments**

1. Staff Response to Bases of Appeal
2. Letter and Petition of Appeal, J. Barni
3. Planning Board Resolution
4. Staff Report to Planning Board, December 13, 2004 without Draft Planning Board Resolutions
5. Planning Board Minutes, December 13, 2004
6. Site Plan and Elevations, Reduced Scale
7. Letter from T. Matthews

## ATTACHMENT #1

### **Planning Staff Responses to Appellant's Bases of Appeal Set Out in Appellant's Letter Dated December 22, 2004 Veterinary Clinic, 1410 Everett Street**

The appellant's basis of appeal is set out in bolded text, followed by staff's response to each paragraph in italic text preceded by "staff response".

- 1. The overall design of the subject veterinary hospital does not take into consideration the fragile mix of residential uses in the immediate area. Rather it attempts to complement the converted 1950's grocery store to the north, which is presently used as a medical building. Central Ave. is the only street in Alameda which has a continuous overall theme of large fully grown sycamore trees, this adds to the residential quality of the neighborhood.**

Since the subject building abuts a residential use and is across the street from single family dwellings, the design of the veterinary hospital should be required to take these conditions into consideration. When a Use Permit is issued it is common to demand an upgrade in design as a trade off to insure that the immediate neighborhood character is buffered from the adjoining commercial district.

*STAFF RESPONSE: The design is one-story, with a variety of materials and surfaces similar to other buildings in the C-C Community Commercial zoning district in the area. The residential scale of the building relates well to residences across Central, although of a different style, as appropriate under City Design Guidelines. The clinic design preserves westerly views over the one-story clinic from upper story residences in the appellant's condominium building. The clinic site design preserves several existing trees while providing additional landscaping equal to or greater than landscaping in Central Avenue commercial areas. The Planning Board Resolution provides additional findings.*

- 2. To be specific, the site is one of the largest undeveloped lots in the commercial district. Yet the building is crowded towards the Central and Everett corner. The one foot set back from the property line on Central Ave. is far from reasonable. The majority of the buildings on Central Ave. have a set back of between 20 ft. plus and 10 feet. To incorporate this new building with the residential theme I believe that the minimum set back from the Central Ave. property line should be required at 10 feet. The rear of the proposed building will be viewed by some 10,000 cars a day driving north. Yet this side of the building is a stucco wall with no landscaping.**

*STAFF RESPONSE: The General Plan and historical construction patterns in the Park Street downtown commercial area provide for minimal setbacks from*

*streets, and the clinic design is consistent with these patterns. The minimal openings along a major street, with wall surfaces, provide noise insulation for pets inside and persons outside, and are consistent with non-retail buildings in the area.*

- 3. The general design of the proposed building is that of a 1950's stucco box with decorated treatments of reflective glass, glass blocks, concrete siding, and metal roofing. This design would be more desirable in a commercial manufacturing zone. In addition, the building with its flat roof will house a variety of necessary heating and air conditioning units that will be visible from the street and the adjoining condominium at 2515 Central Ave. I believe that this site development and design should be treated to appear as a single family home, with a gable or hip roof allowing for softer design elements. An exterior of brick, stone and stucco with heavy landscaping would serve our City well over the next 80 years. Why settle for mediocre, when you do not have to.**

*STAFF RESPONSE: The building design blends elements from vernacular architecture of the 1920's (craftsman), 1950's and contemporary design, while keeping commercial setbacks and a residential scale. The 5,300 square foot design is horizontal and low, preserving residential views over the roof line toward Park Street. Form follows function, since the building is designed to protect residential areas from noise and odors inside the building. The Planning Board found that the design is appropriate and fits the area. While the City Council could grant the appeal and require an alternate design, the Planning Board has found that the materials in the plan that they approved are balanced and suitable for this area of the commercial district.*

aesthetic merit which encourage retention of original architectural elements and restoration of any missing elements. The design guidelines to include detailed design standards for commercial districts.

3.3.f Regulate development in neighborhood business districts to maintain a street-wall, with most structures built to the property lines, entrances directly facing the sidewalk, and parking at the rear.

3.3.g Encourage off-site and multi-level parking in the Park Street and Webster Street business districts as essential to Main Street character. To maintain pedestrian character and visual interest, avoid locating parking structures at street level on corners and along retail streets.

*These areas should be occupied by retail activities and public uses.*

3.3.h Regulate development in the Park Street and Webster Street business districts to encourage two- and three-story buildings extending to the front and side property lines, with entrances directly facing the sidewalk, and parking at the rear.

3.3.i Preserve all City-owned buildings and other facilities of architectural, historical or aesthetic merit. Prepare a list of these facilities and develop an Historic Facilities Management Plan that provides procedures for preserving their character-defining elements, including significant interior features and furnishings. Include in the Management Plan design guidelines or standards and a long-term program to restore significant character-defining elements which have been altered.

3.3.j Encourage owners of poorly remodeled but potentially attractive older buildings to restore the exterior of these buildings to their original appearance. Provide lists of altered buildings which present special design opportunities and make the lists widely available. Develop financial and design assistance programs to promote such restoration.

PETITION FOR APPEAL

TO: CITY OF ALAMEDA

City Hall

2263 Santa Clara Avenue #190

Alameda CA 94501

(Planning Board or City Council)

This petition is hereby filed as an appeal of the decision of the  
PLANNING BOARD

(Planning Director/Zoning Administrator/Planning Board/Historical  
Advisory Board)

which GRANTED

(Denied/Granted/Established Conditions)

for

DR04-0101

(Application Number)

at

1410 EVERETT ST

(Street Address)

for a

☒ Design Review  
☐ Subdivision Map  
Development

☐ Use Permit  
☐ Rezoning

☐ Variance  
☐ Planned

☐ Planned Development/Amendment

☐ Other \_\_\_\_\_  
(Specify)

on DEC 13, 2004  
(Specify Date)

The basis of the appeal is: See ATTACHED!

(If more space is needed, continue on the reverse side or attach  
additional sheets.)

JOHN BARNI

(Name)

1023 Auburn CT

(Address)

Alameda. Ca. 94502

(City/State)

N/A

(Telephone - Work)

510 522-2231

(Telephone - Home)

\*\*\*\*\*  
(For Office Use Only)

\*\*\*\*\*  
Date Received Stamp

Received By: \_\_\_\_\_

Receipt No.: \_\_\_\_\_



PROPER WORDING FOR THE VET HOSPITAL:

BY: JOHN BARNI

USE PERMIT:

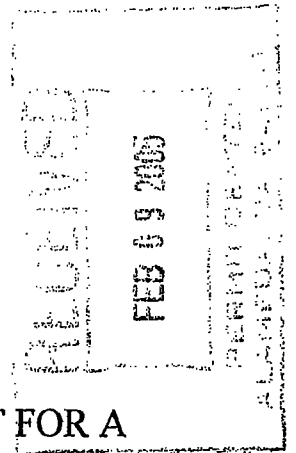
SHALL THE CITY OF ALAMEDA GRANT A USE PERMIT FOR A VETERINARY HOSPITAL AND PET BOARDING FACILITY TO: THE REAL PROPERTY COMMONLY KNOWN AS: 2501 AND 2507 CENTRAL AVE. (CURRENTLY USED AS A VACANT MINI BANK AND PARKING LOT).

APPLICANT: APPLGATE AND WYDNER 1410 EVERRET ST. WHO OPPERATE THE ALAMEDA VET HOSP.

GENERAL IDEA:

THE PROPOSED NEW PET HOSP.. BUILDING DOES NOT OCCUPY ANY AREA OF THE PROPERTY AT 1410 EVERRET ST. WITH EXCEPTION TO PARKING. KEEPING IN MIND THAT SET BACKS ARE NOT REQUIRED IN THIS CC ZONE THE NEW BUILDING COULD ACTUALLY HAVE BEEN BUILT, PROVIDED A PARKING VARIENCE WAS ISSUED....

I SUGGEST THAT THE USE PERMIT BE RE-NOTICED AND A NEW HEARING BE HELD....THIS WILL AVOID POSSIBLE LEGAL ACTIONS... THANK YOU, JOHN BARNI 522-2230



CITY OF ALAMEDA  
CITY COUNCIL  
APPEAL DR04-0101

THE REASONS FOR MY APPEAL ARE BASED ON THE FOLLOWING:

THE OVERALL DESIGN OF THE SUBJECT VETERINARY HOSPITAL DOES NOT TAKE INTO CONSIDERATION THE FRAGILE MIX OF RESIDENTIAL USES IN THE IMMEDIATE AREA. RATHER IT ATTEMPTS TO COMPLEMENT THE CONVERTED 1950'S GROCERY STORE TO THE NORTH, WHICH IS PRESENTLY USED AS A MEDICAL BUILDING.

CENTRAL AVE. IS THE ONLY STREET IN ALAMEDA WHICH HAS A CONTINUOUS OVERALL THEME OF LARGE FULL GROWN SYCAMORE TREES, THIS ADDS TO THE RESIDENTIAL QUALITY OF THE NEIGHBORHOOD.

SINCE THE SUBJECT BUILDING ABUTS A RESIDENTIAL USE AND IS ACROSS THE STREET FROM SINGLE FAMILY DWELLINGS THE DESIGN OF THE VET. HOSP. SHOULD BE REQUIRED TO TAKE THESE CONDITIONS INTO CONSIDERATION. WHEN A USE PERMIT IS ISSUED IT IS COMMON TO DEMAND A UPGRADE IN DESIGN AS A TRADE OFF TO INSURE THAT THE IMMEDIATE NEIGHBORHOOD CHARACTER IS BUFFERED FROM THE ADJOINING COMMERCIAL DISTRICT.

TO BE SPECIFIC:

THE SITE IS ONE OF THE LARGEST UNDEVELOPED LOTS IN THE COMMERCIAL DISTRICT. YET THE BUILDING IS CROWDED TOWARDS THE CENTRAL AND EVERETT CORNER. THE ONE FOOT SET BACK FROM THE PROPERTY LINE ON CENTRAL AVE. IS FAR FROM REASONABLE. THE MAJORITY OF THE BUILDINGS, ON CENTRAL AVE., HAVE A SET BACK OF BETWEEN 20FT. PLUS AND 10 FEET. TO INCORPORATE THIS NEW BUILDING WITH THE RESIDENTIAL THEN I BELIEVE THAT THE MINIMUM SET

BACK FROM THE CENTRAL AVE. PROPERTY LINE SHOULD BE REQUIRED AT 10 FEET.

THE REAR OF THE PROPOSED BUILDING WILL BE VIEWED BY SOME 10,000 CARS A DAY DRIVING NORTH. YET THIS SIDE OF THE BUILDING IS A STUCCO WALL WITH NO LANDSCAPING.

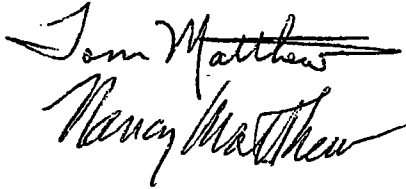
THE GENERAL DESIGN OF THE PROPOSED BUILDING IS THAT OF A 1950'S STUCCO BOX WITH DECORATED TREATMENTS OF REFLECTIVE GLASS, GLASS BLOCKS, CONCRETE SIDING, AND METAL ROOFING. THIS DESIGN WOULD BE MORE DESIREABLE IN A COMMERCIAL MANUFACTURING ZONE. IN ADDITION THE BUILDING WITH ITS FLAT ROOF WILL HOUSE A VARIETY OF NECESSARY HEATING AND AIR CONDITIONING UNITS THAT WILL BE VISIBLE FROM THE STREET AND THE ADJOINING CONDOMINIUM AT 2515 CENTRAL AVE. I BELIEVE THAT THIS SITE DEVELOPMENT AND DESIGN SHOULD BE TREATED TO APPEAR AS A SINGLE FAMILY HOME, WITH A GABLE OR HIP ROOF ALLOWING FOR SOFTER DESIGN IMPLEMENTS. AN EXTERIOR OF BRICK, STONE AND STUCCO WITH HEAVY LANDSCAPING WOULD SERVE OUR CITY WELL OVER THE NEXT 80 YEARS.

WHY SETTLE FOR MEDIOCRE, WHEN YOU DO NOT HAVE TO.

JOHN BARNI

Thank you for your consideration of these matters. I imagine that you don't currently have the information from the Planning Department concerning this appeal but I can be reached at 523-9681 through Monday, January 10 if you have any questions.

Sincerely,

Handwritten signatures of Tom Matthews and Nancy Matthews. The signature of Tom Matthews is on top, and the signature of Nancy Matthews is below it. Both are written in a cursive, flowing style.

Tom and Nancy Matthews

cc: Planning Department

The City Attorney stated that the Alameda Belt Line litigation involves the exercise of the right to purchase the entire Alameda Belt Line property, not just the 22 acre site.

Mayor Johnson stated that the purchase of the right-of-way for the linear park was separate from the down zoned area [Measure D, 2000].

Councilmember deHaan inquired whether the curb on Ralph Appezzato Memorial Parkway was under the City's jurisdiction, to which the Public Works Director responded the street from curb to curb is within the public right-of-way.

Councilmember deHaan inquired whether improvements have been made to the area, to which the Public Works Director responded that there were no improvements on the south side of Appezzato Memorial Parkway because the City only owns the area to the curb; the Alameda Belt Line property runs from the back of the curb to the fence line.

Councilmember deHaan moved adoption of the Resolution.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(\*05- ) Resolution No. 13814, "Approving Submittal of a Revised Application, Incorporating a Flat Parking Lot and Budget Adjustments, to the Office of Library Construction Under the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000." Adopted.

#### REGULAR AGENDA ITEMS

(05- ) Public Hearing to consider an Appeal of the Planning Board's approval of Design Review, DR04-0101, to allow a 5,300 square foot new commercial building (veterinary hospital) to replace approximately 2,000 square feet of commercial buildings, with a parking lot expansion to 23 spaces; **and adoption of related resolution.** The property is located at 1410 Everett Street in the C-C Community Commercial and R-5 Hotel Residential Zoning Districts. Appellant: John Barni, Jr. Applicant: Park Centre Animal Hospital.

The Supervising Planner provided a brief overview of the project.

Vice Mayor Gilmore inquired whether rezoning from R-5 to C-C would make the existing property conform to the General Plan designation, to which the Supervising Planner responded in the affirmative.

Mayor Johnson opened the Public Hearing.

Proponents (In favor of appeal): George Borikas, Alameda; John Barni, Appellant; Paul Schmidt, Alameda; Erin Beales, Alameda; Tom Matthews, Alameda; Joe Meylor, Alameda.

Opponents (Not in favor of appeal): Steve Busse, Park Centre Animal Hospital; Richard Raus, Applicant's Architect; Gregory Roseen, Roseen Builders Inc.; Cathy Wydner, Park Centre Animal Hospital; Genevieve Manchester-Johnson, Park Centre Animal Hospital; Helen Mohr, Alameda; Robb Ratto, Park Street Business Association; Debbie George; Tracy McKean, Alameda Publishing Group; Gene Oh; Shana Levy, Alameda.

There being no further speakers, Mayor Johnson closed the public portion of the Hearing.

Councilmember deHaan inquired whether the Planning Department was comfortable with the notification process and whether there was a problem with the identification of the addresses.

The Supervising Planner responded that all three speakers who advised that they did not receive notification are on the mailing list; the Planning Board notification was sent out on November 23 for the Planning Board Meeting in early December; the same list was used for notification of tonight's meeting; there was no indication that any of the 171 notices were returned for non-receipt.

Councilmember deHaan inquired whether there was confusion with the project address, to which the Supervising Planner responded that the current Veterinary Hospital address was used; there might have been some confusion about whether or not the corner lot was also going to be redeveloped if the plans were not reviewed.

Councilmember deHaan inquired whether there has been confusion with addresses in the past.

The Supervising Planner responded that addresses for corner lots could be confusing because of multiple addresses; a scanned site location map will be attached to notifications in the future.

Vice Mayor Gilmore inquired whether there were three separate addresses for the three different parcels, to which the Supervising Planner responded in the affirmative.

Vice Mayor Gilmore inquired whether having two different addresses would change the notification circumference, to which the

Supervising Planner responded that the circumference would be changed slightly; all three speakers who stated that they did not receive notification live within 300 feet regardless of the Everett Street or Central Avenue address.

Vice Mayor Gilmore inquired whether someone would be unaware that Central Avenue was involved if they did not review the plans, to which the Supervising Planner responded in the affirmative.

Councilmember Matarrese inquired whether use permits run with the current proprietor or with the property, to which the Supervising Planner responded that use permits run with the land; stated use permits do not change the zoning.

Mayor Johnson inquired whether the notice is valid, to which the City Attorney responded that the notice complies with the requirements of the Municipal Code and the current practices of the Planning Department.

Councilmember deHaan requested clarification on the dog walking practices.

Mr. Busse stated that currently the dogs are walked on the existing bank property as well as in the neighborhood.

Councilmember deHaan inquired whether dogs are boarded, to which Mr. Busse responded in the affirmative.

Councilmember deHaan inquired whether there is design latitude on the Central Avenue side, to which Mr. Busse responded enhancements have been made; additional latticework is being added.

Councilmember deHaan stated he was concerned with trees covering the sign.

Councilmember Matarrese inquired whether landscaping was one foot from the lot line and five feet from the edge of the sidewalk.

Mr. Busse responded that there would be a five foot two inch landscape buffer from the existing sidewalk.

Mayor Johnson stated that she supports the project; Design Review is the only issue before the Council; good improvements have been made.

Councilmember deHaan stated that he is concerned about the notification.

Councilmember Matarrese stated that the project should be renoticed, and Design Review should be sent back to the Planning Board.

Vice Mayor Gilmore stated that she would like to go on record as liking the design, especially the changes the architect has made; she is concerned about the noticing issue.

Mayor Johnson stated that she concurs with Vice Mayor Gilmore; not including the address on Central Avenue in the notice may have caused confusion; she feels badly for the business because of the project delay.

Councilmember Daysog stated that speakers mentioned that the design does not fit the residential character of the neighborhood; arguments could be made that the design is an improvement over the existing structure; the project is a positive step.

Councilmember deHaan moved that the matter be sent back to the Planning Board for proper notification.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

Councilmembers Matarrese, Gilmore, Daysog, and Mayor Johnson went on record that the only reason the matter was being sent back to the Planning Board was to allow proper notification.

(05-\_\_\_\_) Public Hearing to consider Amendment to Zoning Map to rezone approximately 7,800 square feet (1/5 acre) at 1410 Everett Street, APN 070-170-15, from R-5 Hotel Residential to C-C Community Commercial; and

(05-\_\_A) Introduction of Ordinance Reclassifying and Rezoning Certain Property within the City of Alameda by Amending Zoning Ordinance No. 1277, N.S., from R-5 (General Residential) Zoning District to C-C (Community Commercial) Zoning District, for that Property Located at 2507 Central Avenue at Everett Street. **Not introduced.**

Mayor Johnson opened the Public Hearing.

Proponents (In favor of rezoning): Robb Ratto, Park Street Business Association; Steve Busse, Park Centre Animal Hospital.

Opponents (Not in favor of rezoning): John Barni, Alameda.

There being no further speakers, Mayor Johnson closed the public



portion of the hearing.

Vice Mayor Gilmore moved that the matter be sent back to the Planning Board for proper notification.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

\* \* \*

Mayor Johnson called a recess at 10:05 p.m. and reconvened the Regular City Council Meeting at 10:21 p.m.

\* \* \*

Mayor Johnson announced that the recommendation to direct the City Manager to prepare an ordinance [paragraph no. 05-\_\_\_\_\_] would be heard before the discussion regarding options for relocation assistance [paragraph no. 05-\_\_\_\_\_].

(05-\_\_\_\_\_) Recommendation to direct the City Manager to prepare an ordinance establishing a Theatre Combining District in Chapter XXX, Development Regulations.

Lars Hanson, Park Street Business Association (PSBA), stated that PSBA supports establishment of the ordinance.

Mayor Johnson announced that the following speakers are in favor but would not comment: Pauline Kelley, Alameda; Abigail Wade, Regency Antiques; Nick Petrulakis, Books Inc.; Elizabeth Pinkerton, Dog Bone Alley; Gene Oh, Alameda Bicycle, Robb Ratto, PSBA.

Councilmember deHaan moved to approval of the staff recommendation.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Daysog inquired whether accepting the staff recommendation allows the Central Cinema to continue operating, to which the City Attorney responded in the affirmative.

On the call for the question, the motion carried by unanimous voice vote - 5.

(05-\_\_\_\_\_) Discussion regarding options for relocation assistance legislation and a temporary moratorium on all new construction, demolition and condominium conversion in the "West End Atlantic Corridor Area" (bounded by Webster Street, Main Street, Pacific Avenue and Ralph J. Appezzato Memorial Parkway).

Proponents: Mosetta Rose London, Alameda; Donald Cunningham,

## Mail Message

N

Close Previous Forward Reply to Sender Reply All Move Delete Read Later Properties  
[Print View](#)

**From:** "Blair, Susan" <smblair@bechtel.com>  
**To:** Beverly Johnson  
**CC:** Doug DeHaan, Marie Gilmore, Frank Matarrese, Tony Daysog  
**Date:** Tuesday - February 1, 2005 3:21 PM  
**Subject:** February 1, 2005 City Council Meeting - Agenda Items 5-A and 5-B

 Mime.822 (6046 bytes) [\[View\]](#) [\[Save As\]](#)

The Honorable Beverly Johnson and City Council Members:

I am a long time Alameda resident and am writing to express my enthusiastic support of the proposed expansion of Park Centre Animal Hospital's current facilities.

I feel that the expansion of their facility would be beneficial to Alameda and it's animal loving community. An expansion of the facilities would allow them to enhance their operations by providing a wider range of care and services.


Drs. Applegate, Wydner and Manchester and their staff are caring compassionate caregivers and the expansion of their current facilities can only be a benefit to all of us who love our animals and want them treated with loving care. I know my Annie loves to go and see her friends at Park Centre and they in turn give her their undivided care and attention.

I am unable to attend this evening's Council Meeting but I

## Mail Message

N

Close Previous Next Forward Reply to Sender Reply All Move Delete Read Later Properties  
[Print View](#)

**From:** <Jane1524@aol.com>  
**To:** Frank Matarrese, Marie Gilmore, Doug DeHaan, Beverly Johnson, Tony Daysog  
**Date:** Tuesday - February 1, 2005 3:07 PM  
**Subject:** Park Centre  
 Mime.822 (3442 bytes) [\[View\]](#) [\[Save As\]](#)

Dear Mayor Johnson, Vice Mayor Daysog, Councilmembers D. deHaan, M. Gilmore, and F. Matarrese:

My name is Betty J. Maderia and I am unable to be at this evenings meeting so am sending this to all of you. I have been a lifetime resident of Alameda (2508 Chester .st.;two blocks from Park Centre) a long time business person, and a client of Park Centre since 1969. I cannot imagine objections to the hospitals expansion; for one thing the existing rounded vacant mini-bank is an eyesore I view on my way to and from my business everyday. It reminds me of a storage shed in the middle of fields of crops in the countrysides. The doctors and staff of Park Centre could not be more responsible than anyone I know and deserving of this expansion. As a close by resident, a client, and a tax-payer I truly am for this expansion and feel what a tremendous improvement to our city. I thank you for listening to me and please ask you to support thou to support the proposed project of Park Centre Animal Hospital.

Very truly Yours,

Betty J. Maderia  
2508 Chester St.  
Alameda, Calif.

## Mail Message

N

Close Previous Next Forward Reply to Sender Reply All Move Delete Read Later Properties  
[Print View](#)

**From:** "Patricia Blair" <pjblair@alamedanet.net>  
**To:** Beverly Johnson  
**CC:** Doug DeHaan, Marie Gilmore, Frank Matarrese, Tony Daysog  
**Date:** Tuesday - February 1, 2005 1:47 PM  
**Subject:** Proposed Expansion to Park Centre Animal Hospital  
✍ Mime.822 (4848 bytes) [\[View\]](#) [\[Save As\]](#)

To The Honorable Beverly Johnson and Alameda City Council Members:

As a client of Park Centre Animal Hospital located at 1410 Everett Street, Alameda, and resident of the City of Alameda, I wish to express my support and enthusiasm for the Centre's proposed plan of expansion to their current facilities. I feel it would benefit the City of Alameda by enhancing the existing capabilities of this excellent veterinarian operation.

This team of veterinarians and their staff are some of the most caring and capable animal caregivers that I have ever met over a long history of being an animal owner. Expanding their operation can only add to and improve their ability to provide outstanding services to pet owners such as myself.

Since I am unable to attend tonight's Council Meeting, I am sending this email communication in the hopes that my support will be read and added to your consideration of Park Centre's proposal.

Thank you.

Sincerely yours,  
Patricia J. Blair

3309 Fernside Boulevard  
Alameda CA 94501

# N

**From:** "Cecilia Trost" <cecilia.trost@teecom.com>  
**To:** Doug DeHaan  
**CC:** pcah@sbcglobal.net  
**Date:** Tuesday - February 1, 2005 1:22 PM  
**Subject:** FW: Support for Agenda Item on 2/1/05 City Council Meeting Agenda

Councilmember deHann,  
I got the wrong email id for you off the City of Alameda website, so you didn't  
receive my first copy of this.  
Cecilia

> From: Cecilia Trost  
> Sent: Tuesday, February 01, 2005 12:27 PM  
> To: 'bjohnson@ci.alameda.ca.us'; 'tdaysog@ci.alameda.ca.us';  
'bkerr@ci.alameda.ca.us'; 'mgilmore@ci.alameda.ca.us';  
'fmatarrese@ci.alameda.ca.us'  
> Cc: 'pcah@scbglobal.net'  
> Subject: Support for Agenda Item on 2/1/05 City Council Meeting Agenda  
>

> I am writing in regard to an item on your Alameda City Council Meeting Agenda tonight. The item is the Public Hearing to consider an Appeal of the Planning Board's approval of Design Review, DR04-0101, to allow a 5,300 square foot new commercial building (veterinary hospital) to replace approximately 2,000 square feet of commercial buildings, with a parking lot expansion to 23 spaces; and adoption of related resolution. The property is located at 1410 Everett Street in the C-C Community Commercial and R-5 Hotel Residential Zoning Districts.

> I would like to express my support for the proposed new Veterinary Hospital. I am a long-time Alameda resident, business owner, and client of Park Centre Animal Hospital. They provide an excellent service for the community of Alameda and the community should be thrilled that they are interested in expanding their facility here. I own an Electrical Engineering

firm and am well versed in architectural plans. Having reviewed the architectural plans in detail, I believe Dr's Applegate and Wydner, along with their architect, have developed a design for the new, expanded veterinary hospital that carefully incorporates the architectural styles of the surrounding neighborhood. The defunct bank that currently exists on this site is an eyesore. I would ask that you give this project a solid yes vote at tonight's meeting.

7

> Feel free to contact me if you would like any additional comments. Thank you for your time and all that you do for our community!

✓

> Sincerely,

> Cecilia

>

## > Cecilia Trost

> 364 Channing Way

> Alameda CA 94502

> 510-523-0441 home

> 510 337-2800 x101 work


>

**>**

## Mail Message

N

Close Previous Next Forward Reply to Sender Reply All Move Delete Read Later Properties  
[Print View](#)

**From:** <Clifford1802@cs.com>  
**To:** Frank Matarrese, Marie Gilmore, Doug DeHaan, Beverly Johnson, Tony Daysog  
**Date:** Tuesday - February 1, 2005 1:22 PM  
**Subject:** Park Centre expansion  
 Mime.822 (2979 bytes) [\[View\]](#) [\[Save As\]](#)

To Mayor Johnson, Vice Mayor Daysog, Councilmembers D. deHaan, M. Gilmore, and F. Matarrese,


I have been in business since 1972 and a client of Park Center before that time. Not only myself, but a vast number of my customers are clients of Park Center. Our support of the expansion of the hospital is unanimous. A refreshing sight to what is presently there plus a much needed improvement to our city. Myself and my previous mentioned customers strongly urge your support of Park Centre. Thank you very much for taking the time to listen,

Sincerely,  
Clifford E. Maderia  
Cliff Maderia Chevron  
1802 Webster St.  
Alameda, Calif. 94501

## Mail Message

N

Close Previous Next Forward Reply to Sender Reply All Move Delete Read Later Properties  
[Print View](#)

**From:** "allen pufahl" <pufahl@comcast.net>  
**To:** Beverly Johnson, Doug DeHaan, Marie Gilmore, Frank Matarrese, Tony Daysog  
**CC:** pcah@SBCglobal.net  
**Date:** Tuesday - February 1, 2005 8:39 AM  
**Subject:** Re: Park Centre Animal Hospital Expansion  
 Mime.822 (4814 bytes) [\[View\]](#) [\[Save As\]](#)

Please include our names and address. Thank you.

Allen and Nancy Pufahl

92 Ratto Road

Alameda, CA 94502

----- Original Message -----

**From:** allen pufahl

**To:** [ddehaan@ci.alameda.ca.us](mailto:ddehaan@ci.alameda.ca.us)

**Cc:** [pcah@SBCglobal.net](mailto:pcah@SBCglobal.net)

**Sent:** Sunday, January 30, 2005 3:07 PM

**Subject:** Park Centre Animal Hospital Expansion

The Park Centre Animal Hospital has applied for permission to expand its facilities. We strongly support their request.


Alameda has limited facilities for providing care for animals. As a consequence, animal lovers are required to take their sick or injured pets outside the area; to Berkeley, Walnut Creek or Concord. The result is inconvenience and, at times, endangers the life of their pets. Further, Alameda is the home to many retirees and elderly citizens who do not have the privilege of easy transportation to outlying areas. For these reasons, we request approval of the Park Centre Animal Hospital's application.



## Mail Message

N

Close Previous Next Forward Reply to Sender Reply All Move Delete Read Later Properties  
[Print View](#)

**From:** "allen pufahl" <pufahl@comcast.net>  
**To:** Doug DeHaan  
**CC:** pcah@SBCglobal.net  
**Date:** Sunday - January 30, 2005 3:07 PM  
**Subject:** Park Centre Animal Hospital Expansion  
 Mime.822 (3045 bytes) [View](#) [Save As](#)


The Park Centre Animal Hospital has applied for permission to expand its facilities. We strongly support their request.

Alameda has limited facilities for providing care for animals. As a consequence, animal lovers are required to take their sick or injured pets outside the area; to Berkeley, Walnut Creek or Concord. The result is inconvenience and, at times, endangers the life of their pets. Further, Alameda is the home to many retirees and elderly citizens who do not have the privilege of easy transportation to outlying areas. For these reasons, we request approval of the Park Centre Animal Hospital's application.

## Mail Message

N

Close Previous Next Forward Reply to Sender Reply All Move Delete Read Later Properties  
[Print View](#)

**From:** "Ken Carvalho" <KenC@buestad.com>  
**To:** Doug DeHaan  
**Date:** Friday - January 28, 2005 12:28 PM  
**Subject:** Park Center Vet. Hospital  
 Mime.822 (1659 bytes) [View](#) [Save As](#)

Councilman DeHaan,

I would just like to let you know that I feel their new building and business expansion would be a great asset to the community. If the City Council is going to be pro-business (which I am all for and) we need to back up business owners who are willing to make huge financial investments in the City. Please consider this and I hope you will also approve their project like the Planning Board has already done.

Please feel free to call me to discuss the matter.

Ken Carvalho  
Chief Estimator

510-523-1925 x 206 Telephone  
510-381-3527 Cellular  
510-523-2085 Facsimile

"A good plan today is better than a perfect plan tomorrow." General George S. Patton

KenC@Buestad.Com  
[www.Buestad.Com](http://www.Buestad.Com)

**February 27, 2005**

We are the veterinarians of **Park Centre Animal Hospital** and we would like to introduce ourselves, our new project, and respond to the inaccurate and misleading letter that was circulated in regards to our project. We want to build a new veterinary hospital to replace our current 2,000 square foot one, which we have outgrown.

- **During the 13 years under current management there have been no complaints from anyone about our business.** We have been in our present location for 41 years.
- We invested in an award winning architect to design our building and a landscape architect to do the landscape plan to in order **to ensure that our building will be an asset to the neighborhood.**
- **The building we have designed is very much in scale with the rest of the neighborhood** and is only 1 story and 5,300 square feet. This is smaller than many of the nearby commercial and residential buildings.
- **The building will only occupy one third of the lot.**
- **There will be no parking impact** since we are providing 23 off-street parking spots to handle all of our customers and employees.
- **This lot has always been commercial** and in fact was a gas station before it was the mini bank.
- **We are not a 24-hour operation.** We maintain normal business hours: 8-6 M,T,W,F, 8-8 Thurs, 9-4 Sat, 10-4 Sunday.

We've had several people voice fears of increased dog walking in the neighborhood and we'd like to address that issue. **We will have an outdoor fenced area where we will be doing the vast majority of the dog walking in the new hospital.**




**There will be less impact, not more, on the neighborhood.**

This is our dog walking policy:

- We walk them on our property where they relieve themselves.
- We only walk a few dogs further that need more exercise.
- **We always pick up after our animals** and in fact pick up extra droppings to keep the neighborhood clean.
- We only allow the dogs to walk on the sidewalk or between the sidewalk and the curb, **not on lawns.**
- We obey all leash laws.

We would be happy to show you the hospital plans and discuss your concerns, as we are confident that if you know the truth of the situation you will support our local Alameda business. Our goal is to upgrade our facilities and build a nice new building on the corner of Central and Everett. **We want the best for the animals in our care and the community.**

Sincerely,

Cathy Wydner DVM

Mary Applegate DVM

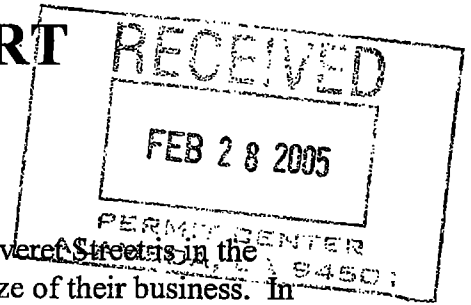
Geni Manchester DVM

# NEIGHBORHOOD ALERT

February 22, 2005

Fellow Neighbors:

This is to inform you that the Park Centre Animal Hospital on Everett Street is in the process of obtaining zoning and planning board approval to triple the size of their business. In short their plans are to demolish their existing clinic and rebuild on the site at the corner of Central and Everett where the bank now exists.



## Why is this important to you?

The plans call for increasing the number of dogs that are kenneled from 6 to, at least, 21. Each dog is walked at least twice a day. Therefore increasing the number of dogs being walked to relieve themselves on our property to 42 times a day.

The business activities of the Park Centre Animal Hospital are an intrusion into our quiet enjoyment of our property and do not fit into this neighborhood.

There have been no environmental studies conducted as to the impact of this type of business in our neighborhood.

Increase in traffic activity resulting in safety issues with regard to our children at play and parking in our neighborhood.

The Park Centre Animal Hospital has proposed their hours of operation to consist of 7 days a week with approximate hours being 7:00 a.m. to 10:00 p.m., resulting in business taking place during family time for most residents.

Most importantly we have not been allowed to be a part of this process i.e., zoning, use permits, design review, and variance. The next planning commission meeting to vote on this important matter is scheduled for 2/28/05 at 7:00 p.m. at City Hall. Make your voices heard by attending this meeting. In addition, please sign the attached petition and return to Joseph Meylor, 1361 Regent Street, Alameda, California to show your support.

Please join your neighbors in opposing the expansion of the Park Centre Animal Hospital. Without more neighbors attending this meeting we stand little chance of the planning board denying their plans.

For more information please contact:

Tom & Nancy Mathews 523-9681  
Erin & Heather Beales 337-9760  
Joe & Monica Meylor 337-9555

John Barni 522-2230  
George Borikas 523-8555

# NEIGHBORHOOD PETITION RE PARK CENTRE ANIMAL HOSPITAL

I have read the letter dated 2/22/05 from concerned neighbors and support them in opposing the expansion of the Park Centre Animal Hospital.

NAME/SIGNATURE

ADDRESS

TELEPHONE

Tom ~~Matthew~~ 2450 Central 523-9681

Nancy Vickman 1351 Park Ave 769-6511

Anne Kasper 1349 Park Ave 865-8530

Al Bondet 1345-A PARK AVE 464-9301

Cece Blase 1341 Park Ave. 327-0503  
522-6345

Karen Baybawski 2421 Marti Rae Ct.

Will A 2418 Marti Rae Ct 510-521-990

Lisa Buck 2514-A Central ave Alameda

Kevin Voss 2520 Central Ave 521-0527

# NEIGHBORHOOD PETITION RE PARK CENTRE ANIMAL HOSPITAL

I have read the letter dated 2/22/05 from concerned neighbors and support them in opposing the expansion of the Park Centre Animal Hospital.

NAME/SIGNATURE

ADDRESS

TELEPHONE

Lars Thorsen 1358 Regent St 510-799-9933

Brad Donn Boyd 1322 Regent St 769-8406

Paul M. Heger 1343 Regent St

Shelly Dunn 1322 Regent St. 769-8456

Carl Clark 1308 Regent St 521-7279

Dan Dan 1305 Regent St 510 865 6148

Susan Worden 1315 Regent St 510 865-3172

Joseph T. Meyer 1361 Regent St 510-337-9555

Kim Bealer 2452 CENTRAL AVE 337 9760

# NEIGHBORHOOD PETITION RE PARK CENTRE ANIMAL HOSPITAL

I have read the letter dated 2/22/05 from concerned neighbors and support them in opposing the expansion of the Park Centre Animal Hospital.

NAME/SIGNATURE

ADDRESS

TELEPHONE

Paul C. Schmidt 2515 Central Ave 523 1928

Smith 2515 Central Ave 523 1928

Jowulewski 2515 Central Ave 865-1561

Andre Smith 2515 Central Ave 612-1111

Bettye Shaw 522-9111

M. Sulimov 2515 Central Ave 522-3038

Khalil Malik 2515 Central Ave 523 1928

BENNIE NG 2515 Central Ave 523 1928

2515 Central Ave, 523-1928  
Marilyn L. L. Schmidt

# NEIGHBORHOOD PETITION RE PARK CENTRE ANIMAL HOSPITAL

I have read the letter dated 2/22/05 from concerned neighbors and support them in opposing the expansion of the Park Centre Animal Hospital.

NAME/SIGNATURE

ADDRESS

TELEPHONE

Jim Ad Dall 2515 Central Ave 523-4347

R. Rodriguez ↓ #F105 —

Nancy Matthews 2450 Central Ave 523-9681

George Baish 2444\* Central 523 8555

John Barni 1023 Auburn Ct 522-2230

Monica Peña Monica Peña 1361 Regent St 337-9555

Nathan Beales 2452 Central Ave 337-9760

Marlene Barni 1023 Auburn Ct. ~~522~~-2230

Carol B. Harter Clarksburg, Co. 916-744-1551  
Owner 2515 G Central Ave - Alameda



# NEIGHBORHOOD PETITION RE PARK CENTRE ANIMAL HOSPITAL

I have read the letter dated 2/22/05 from concerned neighbors and support them in opposing the expansion of the Park Centre Animal Hospital.

NAME/SIGNATURE

ADDRESS

TELEPHONE

James Kellogg 2516 Santa Clara 865-6375

[Signature] 2516 Santa Clara 865 6375

Ryan Kellogg 2516 Santa Clara #D 865 6034

Richard Kellogg 2516 A Santa Clara 521-9070

Lawrence Landwehr 2500 Central Ave 522-3781

Jim McCarthy 2510 Central #306 522-7465

Wade Johnson 2444 Central Ave 769-0707

Karl Matteson 2444 Central 521-2162

Sarah Johnson 2452 Central 827-8927

# NEIGHBORHOOD PETITION RE PARK CENTRE ANIMAL HOSPITAL

I have read the letter dated 2/22/05 from concerned neighbors and support them in opposing the expansion of the Park Centre Animal Hospital.

NAME/SIGNATURE

ADDRESS

TELEPHONE

Edman Jr. Padri 1552 Everett St

Adam Lynch 2524 Central Ave

D. Kozak 2500 Central Ave. (510) 523-8162

Michelle Lange 2500 CENTRAL AVE. (510) 523-8162

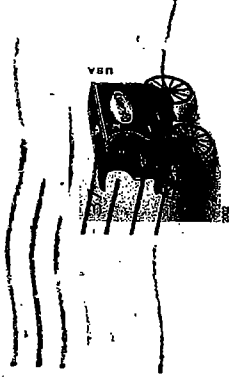
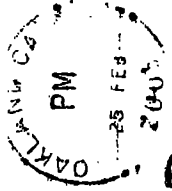
(Dentist)  
John Alar 2500 Central Ave (510) 521-6400

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



Erin & Heather Beales  
 2452 Central Ave.  
 Alameda, CA 94501

To: The City of Alameda Planning Board and City Council

My Name Is MARILYN SLAY - SCHMIDT

I live at 2515 CENTRAL AVE.

ALAMEDA, CA 94501

My residence is within the 300 ft. notification zone for the proposed Veterinary Hospital / Kennel at 2501 Central Ave. Because of the negative impact on my neighborhood, I am strongly against this facility expanding in my neighborhood. Therefore I Request that the application for a "Use Permit" be denied.

Signature

Thank you for your support. Marilyn Slay - Schmidt

To: The City of Alameda Planning Board and City Council

My Name Is JIM SOVULEWSKI

I live at 2515 CENTRAL #103D

ALAMEDA, CA 94501-4664

My residence is within the 300 ft. notification zone for the proposed Veterinary Hospital / Kennel at 2501 Central Ave. Because of the negative impact on my neighborhood, I am strongly against this facility expanding in my neighborhood. Therefore I Request that the application for a "Use Permit" be denied.

Signature

Thank you for your support. [Signature]

To: The City of Alameda Planning Board and City Council

My Name Is Hannah Smith

I live at 2515 Central Ave. 204J

Alameda, CA 94501

My residence is within the 300 ft. notification zone for the proposed Veterinary Hospital / Kennel at 2501 Central Ave. Because of the negative impact on my neighborhood, I am strongly against this facility expanding in my neighborhood. Therefore I Request that the application for a "Use Permit" be denied.

Signature

Thank you for your support. [Signature]

To: The City of Alameda Planning Board and City Council

My Name is Paul Schmidt

I live at 2515 Central Ave,

Alameda, CA 94501

My residence is within the 300 ft. notification zone for the proposed Veterinary Hospital / Kennel at 2501 Central Ave. Because of the negative impact on my neighborhood, I am strongly against this facility expanding in my neighborhood. Therefore I Request that the application for a "Use Permit" be denied.

Signature

Thank you for your support.

To: The City of Alameda Planning Board and City Council

My Name is Maxim Sulimov

I live at 2515 Central Av. #104-C

Alameda, CA 94501

My residence is within the 300 ft. notification zone for the proposed Veterinary Hospital / Kennel at 2501 Central Ave. Because of the negative impact on my neighborhood, I am strongly against this facility expanding in my neighborhood. Therefore I Request that the application for a "Use Permit" be denied.

Signature

Thank you for your support.

**From:** <Jane1524@aol.com>  
**To:** <jaltschu@ci.alameda.ca.us>  
**Date:** 2/28/2005 3:41:34 PM  
**Subject:** Park Centre

Dear Planning Board of Alameda,

My name is Betty Maderia and if I am unable to attend the February 28th meeting

I wish to share the following with you. I have been a lifetime resident of Alameda (2508 Chester St.; two blocks from Park Centre), a long time business person, and a client of Park Centre since 1969. I find it hard to believe that any objections to this project exist. The round, vacant mini-bank that resembles a storage shed is an eyesore and has been for a very long time. The doctors and staff of Park Centre could not be more responsible and deserving than anyone I know. (It's a shame there are not more business-responsible persons in Alameda.) As a close by resident, a client, a business owner, and tax payer I truly am 100% in favor of this project and feel what a tremendous improvement to our city.

I was truly shocked on Saturday when I arrived home and on my porch was a flyer with bold letters NEIGHBORHOOD ALERT. My first reaction was crime or worse and when I began to read it could not believe a word of such implications that are so outrageously UNTRUE. Like I previously stated I live two blocks from Park Centre and never experience any of the listed allegations. The design plans look absolutely beautiful and obviously have been created with great efforts for all aspects of the flyers concerns. The dogs in care at the hospital have and are walked on the hospital premises first and usually relieve themselves before walking elsewhere. But if "Mother Nature" does call when elsewhere it is properly taken care of. Seven days twenty four hours is not true. What in the world is meant by physical threat to people and children? Health hazards?? Last but not least "A BUSINESS PROFITING WHILE CREATING A PUBLIC NUISANCE WITH NO REGARDS FOR THE RESIDENTS" is absolutely so absurd that I can barely type it. Dr. Mary Applegate, Dr. Cathy Wydner, and Dr. Genevieve Manchester are very responsible and have a professional as well as a first-class hospital and business along with a reliable and wonderful staff. Park Centre has always been kept up beautifully and clean both inside and out.. This flyer was so disturbing and so untrue.

I thank you for listening to me and ask your support for this project.

Sincerely,  
Betty Maderia

**From:** Ken & Nette <saybak@alamedanet.net>  
**To:** <jaltschu@ci.alameda.ca.us>  
**Date:** 2/17/2005 6:03:07 PM  
**Subject:** regarding the proposed Park Center Animal Hospital

To whom it concerns:

I wish to speak to the issue of the Park Center Animal hospital. By way of explaining how well I know the small animal practice, known as Park Center, I have been taking my pets to them almost as long as I have lived in Alameda, since 1994, over 10 years. They have always been caring and compassionate. Last year, when I had to put my 15 year old English springer down, Dr. Widner came to the house to do it. The three young women that practice there are a real asset to the community. That they want to expand their facilities and practice should be viewed as an improvement to the community. That they want to replace their little structure and a defunct bank that is being used as a parking lot with a new veterinary hospital designed by an award winning architect is an improvement to the community.

There will always be one person who attempts to resist change, for whatever reason. Perhaps he has designs on the property or is concerned about the value of his property. Personally I think he could do much worse than the project that is proposed. I think he should be grateful to these fine veterinary physicians who have gone through the trouble to enlist the aid of an award winning architect and a landscape architect to make sure the building fits nicely into the community. Since I am sure you are aware that the new facility will include "runs" that will actually decrease the dog traffic outside the hospital, I will not belabor the point.

The Planning department has already approved this project once. I hope you can remember the reasoning that permitted you to approve it the first time and allow Park Center to provide the improved service to the community.

Yours Truly,

Ken Sayers and Annette Kobak

Kenneth H. Sayers  
3035 Fernside Blvd.  
Alameda, CA 94501  
(510)769-1624

saybak@alamedanet.net  
[http://home.alamedanet.net/~Ken\\_and\\_Nette](http://home.alamedanet.net/~Ken_and_Nette)  
(last updated December 31, 2004)  
(510)917-1794 Mobile

**CC:** <pcah@sbcglobal.net>

Additional Correspondence for  
Planning Board Meeting of 2/28/05  
RE: 1410 Everett St.  
Agenda Item # 8B

**From:** "allen pufahl" <pufahl@comcast.net>  
**To:** <jaltschu@ci.alameda.ca.us>  
**Date:** 2/17/2005 3:53:29 PM  
**Subject:** Park Centre Animal Hospital

The doctors and staff at Park Centre Animal Hospital are dedicated to their profession, their clients and the community. Their service is invaluable. We have a dog and three cats entrusted to their care. Park Centre's expansion design would enable them to better serve the community.

The design would contribute greatly to the neighborhood and it would be a place we could all be proud of.

We respectfully request your approval of the Park Centre design and application.

Allen and Nancy Pufahl and family  
92 Ratto Road  
Alameda, CA 94502  
510-865-6316

**CC:** <pcah@sbcglobal.net>

**From:** "Jill Travinski" <xoie1@earthlink.net>  
**To:** <jaltschu@ci.alameda.ca.us>  
**Date:** 2/21/2005 8:23:21 PM  
**Subject:** Park Centre Animal Hospital

To Whom It May Concern,

I am writing in support of the planned, new, Park Centre Animal Hospital.

I lived in Alameda for eighteen years, during that time all my pets received care at Park Centre. I moved from Alameda two years ago and had been taking my pets to a local veterinarian. Recently, when my wonderful dog became seriously ill, there was no question in my mind that he needed extraordinary care and I knew he would receive that attention at Park Centre. My experience has been wonderful, and Theo is better everyday.

Dr. Manchester, Dr. Wydner, Dr. Applegate and entire staff at Park Centre are knowledgeable, and caring professionals. Their professionalism will extend to the roles they play in the neighborhood and Alameda at large. No one should be concerned that the new hospital will cause any problem, the staff and Dr.\*s are responsible adults who provide an invaluable service.

The new hospital first and foremost will be a place that pets and their owners can visit with confidence. The veterinarians at Park Centre will be able to practice even more effectively with additional room and updated technology.

I am willing to bet that if anyone reading this letter went outside and walked a few blocks in any direction you would see someone walking a dog, or a cat sunning themselves in a window.

Alameda has a huge pet population, and anyone who has ever been blessed with the loyalty and unconditional love of a pet knows the importance good veterinary care. The veterinarians and the staff at Park Centre do a great service to the community by educating pet owners on good animal care, they are conscientious advocates for those that have no voice.

This beautiful new hospital can only be an incredible asset to Alameda.

Sincerely,

Jill Travinski

Theo

Zoe

Kismet

Duffy

**CC:** <pcah@sbcglobal.net>



**From:** "John P Gruntfest" <baciwawa@hotmail.com>  
**To:** <jaltschu@ci.alameda.ca.us>, <pcah@sbcglobal.net>, <baciwawa@hotmail.com>  
**Date:** 2/21/2005 11:39:10 AM  
**Subject:** Support for new clinic.

Alameda Planning Board -

I would like to voice my support for the Park Center Animal Hospital's new design and build out. I have reviewed their plans and also spent much time in the neighborhood and believe that this project will be a boon in many ways for Alameda:

1) As an animal lover with a dog and cat of my own I believe that quality veterinary care is an important part of any community. In Alameda we have three veterinary clinics which support the animal loving community here. Park Center has been an important part of this community and their new design and improved facility could only add to the quality of care that they have given over the years.

2) The new clinic would greatly improve the area with its beautiful design and thoughtful consideration of the surrounding area. It would also be a wonderful place for the employees by creating an improved working environment such as the addition of an employee lounge.

3) I have walked the area many times as I am a resident and have my bank, dentist, and many other associates in the area. It has always seemed quite well kept, neat, and quiet.

4) There must also be financial benefits to Alameda itself to allow this kind of improvement of local businesses. In a time when most towns are struggling with budgets, I would think projects such as this which improve the area, employment, and tax base are absolutely vital.

5) Finally, it seems to me that as a good neighbor Park Center has worked hard to meet the needs of the surrounding folks who live there. This project, I think, fulfills everyone's needs and I hope that the Planning Board will approve it in a timely manner.

Thank you for your attention to this matter.

John Gruntfest, CFO, SFVS, Inc  
2156 Encinal Ave  
510-337-0209  
baciwawa@hotmail.com

**From:** <JAWolslegel@lbl.gov>  
**To:** <jaltschu@ci.alameda.ca.us>  
**Date:** 2/28/2005 4:28:03 PM  
**Subject:** 1410 Everett Rezoning

I am not able to attend the Planning board Meeting scheduled for February 28, 2005.

I am against the rezoning and redevelopment of the veterinary clinic at this site. I feel that the expansion of this type of facility, so close to residential properties, will create unwanted noise and traffic.

Sincerely

Jean Wolslegel, Home Owner  
1320 Park Avenue  
Alameda, CA 94720

**From:** "T. NICANDRO" <afnic@comcast.net>  
**To:** <jaltschu@ci.alameda.ca.us>  
**Date:** 2/28/2005 5:15:21 PM  
**Subject:** Park Centre Animal Hospital at Everett & Central

To the members of the Planning Board:

My wife and I wish to reiterate our continued support for the approval of the proposed expansion of the abovecaptioned veterinary clinic.

I had listened to the comments/arguments made at the last city council meeting and strongly believe that there are solutions to the objections and redommend its approval. There has been a variety of objections such as elevation, lighting, landscape, property identification and animal waste. I am convinced that our veterinarians have done their best to accommodate the objections by having the plans reviewed and revised, where necessary.

I am equally delighted to see the continued success of the veterinary in Alameda. Its much needed expansion clearly indicates the quality of care they provide to our beloved pets. Pet health care is extremely important. We have received phone calls from either Dr. Applegate, Dr. Wydner or Dr. Manchester, to give us update/s. Some of thee calls have even been at times when we expected our veterinarians to be resting and/or relaxing already with their respective families. As previously discussed by other parties, we do not want to have to drive Park Centre out of Alameda.

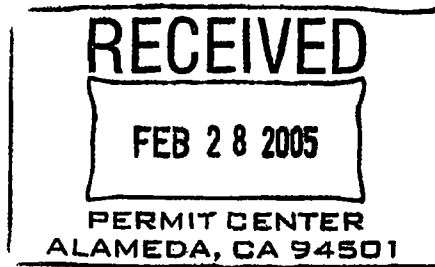
It's unfortunate that we are unable to be present tonight to personally support this proposal - my wife is away on a business trip and I am recuperating from recent spinal surgery.

Thank you in advance for your most favorable consideration.

Sincerely,

Tony Nicandro

**CC:** <pcah@sbcglobal.net>



February 25, 2005

Jerry Cormack, Secretary  
Interim Planning Director  
City of Alameda Planning Board  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501

Dear President Cunningham  
and Planning Board Members:

As long time residents of Alameda, we wish to express our whole hearted support for the expansion of Park Centre Animal Hospital. We have taken our pets there for over 10 years and have received nothing but the finest care. Drs. Applegate, Wydner and Manchester, and their wonderful staff, are a true asset to Alameda. The expansion of the hospital will allow them to provide even more valuable services to the community.

We have viewed the plans and drawings, and believe the expansion will also greatly improve the physical appearance at Everett and Central (especially the elimination of the long abandoned circular mini bank). The design and landscaping go to great lengths to fit into and improve the aesthetics of the surrounding neighborhood.

Today we are seeing many long overdue improvements to Alameda's business districts on both Webster and Park Streets, as well as at South Shore Center. The renovations and new businesses on Park Street, especially on the 1300 block, are drawing more people and customers to the area to everyone's benefit. Improvements to businesses in the surrounding blocks of the Park Street business district should also be encouraged and supported. Here is an opportunity to do just that.

When we moved to the Fernside District over 10 years ago, most of our neighbors were elderly, empty nesters. Today, we live in an intergenerational neighborhood. Many young families have moved in and there are lots of children. Where there are children there are all kinds of pets. The elderly need their gentle friends as well. The expansion and improvements proposed by Park Centre will provide even more needed and valuable services to our Alameda community.

Please give this proposal your support.

Sincerely,

A handwritten signature in cursive script that reads "Helen + Jim".

Helen Mohr-Thomas  
Jim Thomas  
3011 Thompson Avenue  
Alameda, CA 94501

additional two (2') feet for each story over three (3).

6. Rear Yard: None, however, where the rear portion of the lot is accessible from a street, alley or parking lot, or combination thereof, the rear yard shall be a minimum of twelve (12') feet; provided, further, that any structure may project over such required rear yard if a fourteen (14') foot clear vertical distance between the structure and ground level is maintained.

7. Yards for gasoline service stations. (In addition to the yard requirements prescribed for the zoning districts.)

(a) A setback of ten (10') feet shall be maintained from property lines that abut the rear yard of a lot located in a residential district or a lot in residential use.

(b) A setback of fifteen (15') feet shall be maintained from property lines that abut the side yard of a lot located in a residential district or in residential use.

8. Off-Street Parking and Loading Space: As regulated by Section 30-7. (Ord. No. 535 N.S. §§ 11-1333—11-1336; Ord. No. 1277 N.S.; Ord. No. 1373 N.S.; Ord. No. 1749 N.S.; Ord. No. 1771 N.S.; Ord. No. 1802 N.S.; Ord. No. 2064 N.S.; Ord. No. 2174 N.S.; Ord. No. 2201 N.S.; Ord. No. 2202 N.S.; Ord. No. 2267 N.S.; Ord. No. 2289 N.S.; Ord. No. 2294 N.S.; Ord. No. 2407 N.S.; Ord. No. 2416 N.S., § 5; Ord. No. 2428 N.S. §§ 10, 11; Ord. No. 2511, § 1; Ord. No. 2671 N.S. § 1)

### 30-4.9A C-C, Community Commercial Zone.

a. *General.* The Community Commercial Zoning District is intended to provide for general retail, personal service use, offices, restaurants, hotels/motels, service stations, public and quasi-public uses and similar and compatible uses serving a community-wide need under design standards which ensure compatibility and harmony with adjoining land uses. Emphasis is on pedestrian-oriented retail and service uses on the ground floor level, with office and residential uses on the upper levels. Automobile related uses are regulated by use permit and prohibited on Park Street and Webster Street frontages.

#### b. *Uses Permitted.*

1. The following retail sales and services are permitted in the C-C District:

(a) Antiques and collectibles,

- (b) Appliances, large and small,
- (c) Art gallery,
- (d) Arts and crafts supplies,
- (e) Arts and crafts store,
- (f) Bakery, including use of the commercial kitchen for catering as an accessory use,
- (g) Bank, saving and loan, including ATM facilities but excluding drive-through facilities,
- (h) Bicycle store,
- (i) Blueprint shop,
- (j) Books, periodicals, and comics, including reading rooms,
- (k) Camera store,
- (l) Candy store,
- (m) Clock or watch store,
- (n) Clothing store, new inventory only,
- (o) Coffee house, including retail,
- (p) Coin store,
- (q) Computer store,
- (r) Delicatessen,
- (s) Department store,
- (t) Drug store and pharmacy, including fountain and food service,
- (u) Dwelling units - when the units are located in structures also containing nonresidential uses and are not located on the ground floor,
- (v) Electronic items, retail only,
- (w) Fabric and notions,
- (x) Florist,
- (y) Frame shop,
- (z) Furniture store, new inventory only,
- (aa) Grocery store,
- (bb) Hairstyling, including related accessory uses such as manicures, pedicures, make-up, facials, waxing, electrolysis, and tanning. Piercing, tattoo and massage allowed when accessory to the primary use of hairstyling provided no more than two (2%) percent of the floor area is devoted to the accessory use,
- (cc) Hardware store,
- (dd) Home furnishings,
- (ee) Ice cream store,
- (ff) Jewelry or beads store, including piercing as an accessory use provided no more than two (2%) percent of the floor area is devoted to the accessory use,
- (gg) Laundry and cleaning establishments, including pressing, spotting, garment repair and alterations and self-operated facilities when accessory to the primary use,
- (hh) Lighting fixtures,

- (ii) Luggage store,
  - (jj) Medical supplies store,
  - (kk) Music store, including the sale of recorded music, sheet music and instruments,
  - (ll) Newspaper offices,
  - (mm) Office uses (medical and professional) not associated with permitted retail sales use of the site, provided that for any building which is on a site adjoining a public street, public alley or public sidewalk, fifty (50%) percent in depth of the ground floor space directly behind that building frontage closest to the public street, public alley or public sidewalk shall be reserved for retail sales and/or service uses permitted in the district,
  - (nn) Paint and wallpaper store,
  - (oo) Pet supplies, pet grooming, or pet sales providing a finding is made by the Planning Director that sufficient air conditioning and soundproofing will be provided to effectively confine odors and noise so as not to interfere with the public health, safety and welfare of adjoining properties. No outside pens or runs shall be permitted. Pet boarding allowed as an accessory use,
  - (pp) Photography store, including photo developing and studio,
  - (qq) Plumbing and electrical supply or fixture store, provided more than fifty (50%) percent of the floor space is devoted to retail sales,
  - (rr) Political campaign offices, not to exceed six (6) months total time nor eight (8) months if the campaign is both primary and election,
  - (ss) Printing establishment,
  - (tt) Repair shop for shoes, radios/televisions, small domestic appliances, watches and jewelry and similar non-auto related items,
  - (uu) Restaurant, coffee shop, snack bar, lunch counter, including catering as an accessory use but excluding drive-through service,
  - (vv) Shoe store,
  - (ww) Sporting goods store, golf shop and similar sports supplies store,
  - (xx) Stationery and card store,
  - (yy) Tailor and dressmaking, haberdashery, millinery excluding wholesale manufacturing,
  - (zz) Toy store,
  - (aaa) Travel agency,
  - (bbb) Video store, including retail and rental.
2. Other uses which the Planning Director finds similar to the above list and consistent with

the purpose of the CC Zoning District, provided the following uses are expressly prohibited: check cashing business, gun and firearms sales when more than five (5%) percent of the floor area is devoted to this use, massage establishments except massage is allowed as a home occupation and accessory to health care uses and hairstyling, pawn shop, piercing shop except as an accessory use to hairstyling and jewelry store, tobacco and tobacco products stores except the sale of tobacco and tobacco products is allowed as accessory to other permitted or conditionally permitted uses in the C-C District, tattoo shop except as an accessory use to Hairstyling. The determination of similar use by the Planning Director shall be included on the agenda for the next available Planning Board meeting and confirmed by the Planning Board. Determinations of similar use are also subject to appeal pursuant to Section 30-25.

c. *Uses Requiring Use Permits.*

1. The following retail sales and services require approval of a use permit in the C-C District by the Planning Board as regulated by subsection 30-21.3. In addition to the findings included in subsection 30-21.3 approval of a use permit is subject to finding the use consistent with the policies of the General Plan and the purpose of the CC Zoning District.

(a) Any use in this district that does business between the hours of 10:00 p.m. and 7:00 a.m.,

(b) Any permitted or conditional use which is not conducted within an enclosed structure,

(c) Athletic club and health facilities, including massage as an accessory use,

(d) Auditoriums,

(e) Automobile detail shop. In the Park Street C-C District this use shall not front on nor have access to Park Street. In the Webster Street C-C District this use shall not front on nor have access to Webster Street and shall be further limited to the area north of the centerline of Pacific Avenue and the area at the southwest corner of Webster Street and Pacific Avenue bounded by lines eighty-five (85') feet south of the Pacific Avenue right-of-way and one hundred eighteen (118') feet west of the Webster Street right-of-way,

(f) Automobile parts store, wholesale and retail,

(g) Automobile rental, subject to the location restrictions specified in subsection 30-4.9A c.1.(e),

(h) Automobile repair shop, subject to the location restrictions specified in subsection 30-4.9A c.1.(e),

(i) Automobile showroom/sales, provided it is within a completely enclosed building and excluding businesses with sales devoted primarily to use vehicles,

(j) Bars, within the Park Street C-C District only. Bars are not allowed in the Webster Street C-C District,

(k) Beauty college,

(l) Bed and breakfast facility, upon compliance with standards set forth in the definition for bed and breakfast in Section 30-2,

(m) Business college,

(n) Catering business,

(o) Commercial parking lot or structure,

(p) Convenience store,

(q) Day spa, including massage as an accessory use,

(r) Drive-through restaurant and other drive-through establishments, but excluding drive-in movie theater subject to the location restrictions specified in subsection 30-4.9A c.1.(e),

(s) Dwelling units, provided they are located on the second or third floor only when the units do not comply with the off-street parking requirements,

(t) Gasoline service stations, exclusive of body, chassis and painting work, provided that all operations except the service with gasoline, oil, air and water shall be conducted within a building. See also yard requirements for gasoline stations, paragraph (g) of this subsection and driveway requirements subsection 30-5.7i,

(u) Gun and firearms sales when accessory to a sporting goods store provided the gun and firearms sales are limited to no more than five (5%) percent of the retail area,

(v) Hotel and motel, provided floor area devoted to a retail service use allowed within this district is included on the ground floor,

(w) Liquor store,

(x) Lodge hall and social club,

(y) Martial arts, dance, jazzercise and similar uses,

(z) Medical facility,

(aa) Music studios,

(bb) Office use (medical and professional) not associated with a permitted or conditional use in this district and/or to be located on a site adjoining a public street, public alley or public sidewalk and within fifty (50%) percent of the depth of the ground floor space directly behind that building frontage closest to the public street, public alley or public sidewalk.

(cc) Plant nursery,

(dd) Public park, public and private school, church and religious institution, library, nursery and day care center, playground, fire station and other public buildings and uses included in the General Plan,

(ee) Public and private utilities, including above ground and underground facilities primarily for local service such as substations, gas regulators, manned or unmanned communications equipment buildings, and similar uses,

(ff) Self-operated laundry and cleaning establishments,

(gg) Small upholstery shops, exclusive of refinishing and other furniture repair or manufacturing,

(hh) Stores devoting commercial area, gross sales, or inventory, to the sale of second quality, irregular or discontinued merchandise or to the liquidation of merchant's or manufacturer's stock,

(ii) Tavern,

(jj) Theater, including movie and live,

(kk) Those portions of grocery stores devoted to the sale of alcoholic beverages,

(ll) Upholstery shop, exclusive of refinishing and other furniture repair or manufacturing,

(mm) Used household articles and clothing stores,

(nn) Veterinary clinic and/or veterinary hospital, provided the Planning Board finds the use has sufficient air conditioning and soundproofing to effectively confine odors and noise so as not to interfere with the public health, safety and welfare. No outside pens or runs shall be permitted.

2. Other uses which the Planning Director finds similar to the above list and consistent with the purpose of the CC Zoning District subject to use permit approval by the Planning Board, provided the following uses are expressly prohibited: check cashing business, gun and firearms sales when more than five (5%) percent of the floor area is devoted to this use, massage establishments except



massage is allowed as a home occupation and accessory to health care uses and hairstyling, pawn shop, piercing shop except as an accessory use to hairstyling and jewelry store, tobacco and tobacco products stores except the sale of tobacco and tobacco products is allowed as accessory to other permitted or conditionally permitted uses in the C-C District, tattoo shop. The determination of similar use by the Planning Director shall be included on the agenda for the next available Planning Board meeting and confirmed by the Planning Board. Determinations of similar use are also subject to appeal pursuant to Section 30-25.

d. *Accessory Uses, Buildings, and Structures.*

1. The following accessory uses, buildings and structures are permitted in the C-C District:

(a) Incidental storage and accessory uses, including repair operations and services, provided such uses shall be incidental to the retail sale of products on the premises, shall not employ more than five (5) persons excluding sales personnel, and shall be placed and constructed as not to be offensive or objectionable because of odor, dust, smoke, noise or vibration,

(b) Other uses and structures which are customarily incidental and clearly subordinate to permitted and conditional use as determined by the Planning Director.

e. *Design Review Required.* All new structures or buildings, or exterior revisions of any existing structures or buildings for both permitted and conditional uses shall require design review pursuant to Article II, Section 30-35.

f. *Signs.* Signs are allowed as provided by Section 30-6 of this article. A sign permit is required prior to placement of any signage on property in Alameda.

g. *Development Regulations.*

1. Lot Area and Lot Width: None.

2. Building Height Limit: Building height shall be regulated as follows: Park Street District — Maximum height shall be five (5) stories but not to exceed sixty (60') feet for properties fronting on Park Street north of Encinal Avenue. In the remaining areas of the Park Street C-C District the height limit shall be three (3) stories but not to exceed forty (40') feet and the height within this area may be increased to a maximum of five (5) stories but not to exceed sixty (60') feet upon approval of a

use permit. Parking structures, including parking structures which have a commercial use component, are exempt from the height limit provided the structure does not exceed six (6) stories, the commercial floor area does not exceed fifty (50%) percent of the overall floor area of the structure, and public parking is provided in addition to the parking required for the commercial component.

Webster Street District — Maximum height shall be three (3) stories but not to exceed forty (40') feet throughout the C-C District.

3. Building Coverage: Buildings may cover one hundred (100%) percent of the building site, provided the ratio of all floor space to lot size shall not exceed three (3) to one (1).

4. Front Yard: None.

5. Side Yard: No yard or a minimum of twelve (12') feet, however, where any lot abuts a residential district there shall be a minimum side yard of five (5') feet.

6. Rear Yard: None, however, where the rear portion of the lot is accessible from a street, alley or parking lot, or combination thereof, the rear yard shall be a minimum of twelve (12') feet; provided, further, that any structure may project over such required rear yard if a fourteen (14') foot clear vertical distance between the structure and ground level is maintained.

7. Yards for Gasoline Service Stations (In addition to the yard requirements prescribed for the zoning districts):

(a) A setback of ten (10') feet shall be maintained from property lines that abut the rear yard of a lot located in a residential district or a lot in residential use.

(b) A setback of fifteen (15') feet shall be maintained from property lines that abut the side yard of a lot located in a residential district or in residential use.

8. Off-street Parking and Loading Space: As regulated by Section 30-7. (Ord. No. 2850 N.S. § 1; Ord. No. 2920 N.S. §§ 8, 9)

### 30-4.10 C-M, Commercial-Manufacturing District.

a. *General.* The following specific regulations and the general rules set forth in Section 30-5 shall apply in all C-M districts as delineated and de-

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

UPHOLDING THE PLANNING BOARD'S RECOMMENDATION TO APPROVE REZONING R04-002, VARIANCE V04-018, USE PERMIT UP04-013 AND MAJOR DESIGN REVIEW, DR04-101 FOR CONSTRUCTION OF A VETERINARY CLINIC AT 1410 EVERETT STREET

WHEREAS, an application was made on October 5, 2004 by Doctor Mary Applegate and Doctor Cathy Wydner, requesting a Rezoning R04-002 from R-5 General Residential to C-C Community Commercial for approximately 7,800 square feet at the corner of Everett and Central, a Use Permit UP04-013 for veterinary clinic in the C-C zoning district, a Variance V04-018 for a second driveway, and Major Design Review DR04-0101, to permit the reconstruction of 5,300 square foot building on a 0.4 acre site; and

WHEREAS, the application was determined to be Complete for processing November 4, 2004; and

WHEREAS, the subject property is designated as Community Commercial on the General Plan Diagram; and

WHEREAS, the subject property is located in a C-C-Community Commercial and R-5 General Residential Zoning Districts; and

WHEREAS, the project is Categorically Exempt from review under the California Environmental Quality Act, pursuant to Section 15303 of CEQA Guidelines, for development of commercial buildings under 10,000 square feet; and

WHEREAS, on the Planning Board held a noticed public hearing on December 13, 2004 and February 28, 2005 and considered testimony, exhibits and other materials and then acted to recommend that the City Council approve the Rezoning, R04-002, and acted to approve UP04-013, V04-018 and DR04-0101 and;

WHEREAS, John Barni appealed the Planning Board's decision on March 8, 2005, and;

WHEREAS, the City Council of the City of Alameda held a public hearing for the appeal of the Planning Board's prior actions and examined pertinent documents as well as the record of the Planning Board hearing; and

WHEREAS, the City Council makes the following findings regarding the Rezoning:

Resolution #5-A  
4-5-05

APPROVED AS TO FORM

*[Signature]*  
ASST. CITY ATTORNEY

1) **The proposed zoning reclassification relates correctly to the General Plan land use designation** because expanding the Community Commercial designation will more fully implement the current General Plan Community Commercial map designation than would the current residential designation.

2) **The rezoning will have no significant adverse effects on the General Plan** and will strengthen the integrity of the General Plan by reclassifying the parcel to a zoning designation consistent with the General Plan Community Commercial designation for this area.

3) **The rezoning will have no significant adverse effects on the welfare of the community** because the rezoning provides for continued use of this portion of the property for parking, without increasing the size of commercial zoning consistent with the commercial General Plan land use designation.

4) **The proposed zoning reclassification will be equitable** because it will correct an inconsistency in the C-C Community Commercial zoning district boundary.

WHEREAS, the City Council made the following findings regarding the Variance:

1). **There are extraordinary circumstances applying to the property relating to the physical constraints of the parcel, such as size, shape, topography, location, or surroundings, or applying to the proposed use of the property.** The property is on a corner with two public street frontages. The public would benefit from a second driveway and a more efficient circulation pattern to reduce on-street parking generated by this use.

2) **Because of extraordinary circumstances, the literal enforcement of the Zoning Ordinance standards would result in practical difficulty or unnecessary hardship such as to deprive the applicant of a substantial property right possessed by other owners of the property in the same district.** The corner location of the property and the doubling of the number of parking spaces on-site makes a second driveway necessary for this business to provide access to both street frontages. Denying this request would be inconsistent with multiple driveways on other parcels with more than one street frontage.

3) **The granting of the variance, under the circumstances of the particular case, will not be detrimental to the public welfare or injurious to persons or property in the vicinity.** The reduction of one on-street parking space caused by the second driveway is more than offset by the addition of off-street parking spaces on the site, and there are a significant number of other on-street parking spaces in the area. A third existing curb cut will also be removed.

WHEREAS, the City Council made the following findings regarding the Use Permit:

- 1). **The location of the proposed use is compatible with other land uses in the general neighborhood area.** The location of the proposed use is between other office/medical uses to the west, commercial uses to the north, and the new building would be separated from office and residential uses to the south and east by the expanded parking lot and by Central Avenue. The existing veterinary clinic has demonstrated the compatibility of this use.
- 2). **The proposed use will be served by adequate transportation and service facilities.** There are bus stops near the site and sufficient parking and other services nearby to provide for customers and staff.
- 3). **The proposed use, if it complies with all conditions upon which approval is made contingent, will not adversely affect other property in the vicinity.** The design of the building would contain noise, odors and other impacts to avoid adverse effects on nearby properties.
- 4). **The proposed use relates favorable to the General Plan.** The General Plan map designation is Community Commercial and the proposed building and parking would fulfill General Plan policies regarding the vitality of the Park Street commercial district.

WHEREAS, the City Council made the following findings regarding Design Review:

- 1) **The project will have no adverse effects on persons or property in the vicinity.** The one-story horizontal design will have no adverse shading or view blockage impacts on neighboring sites, including the adjacent residential building, and the design quality will enhance the streetscape.
- 2). **The project will be compatible and harmonious with the design and use of surrounding properties.** The design mixes Craftsman style with modern style to create a compatible and harmonious design which blends well with the neighborhood at this border between commercial and residential areas.
- 3) **The project will be consistent with the City's Design Review Guidelines.** The building and site will incorporate the balanced proportions and mix of design details which are encouraged in City Design Review Guidelines, and will echo the design of nearby medical office buildings.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Alameda approves Rezoning R04-002, and upholds the Planning Board's approval of Use Permit UP04-013, Variance V04-018, and Major Design Review DR04-101, including veterinary clinic building and parking approvals subject to the following conditions:

1. **APPROVED PLAN.** The project shall be constructed in substantial compliance with the plans date stamped October 4, 2004, by Rauhaus Architects, consisting of plansheets and color and materials boards; such plans and board constitute Exhibit "A", on file in the office of the City of Alameda Planning and Building Department, and are approved except that glass shall be minimally reflective, with an index of less than 12, except as modified by the conditions in this Resolution including but not limited to the following specific modifications:
2. **VESTING.** The Variance, Use Permit and Major Design Review shall terminate on the later of **April 5, 2006**, or one year (1 year) from the date of any subsequent approval on appeal, unless actual construction under valid permits has begun, or the developer applies for and is granted an extension prior to expiration; the Planning and Building Director is directed by the Planning Board to rule upon an extension on their behalf. The Variance, Use Permit and Major Design Review approval shall not be in force and effect, and no building permits will be issued, unless and until the developer has completed any necessary Lot Merger or Lot Line Adjustment to accomplish necessary property lines, to the satisfaction of the Planning and Building Director, and unless the City Council has first approved the Rezone from R-5 General Residential to C-C Community Commercial of approximately 7,800 square feet of the site.
3. **FEES AND REQUIREMENTS.** Citywide Development Impact Fees and public art fees/program for incremental increase of building area (estimated to be approximately 2,500 square feet) shall be paid prior to issuance of a building permit. The applicant shall conform to the Public Art Ordinance and shall include public art approved by the Recreation and Parks process. That process may, in its discretion, find on-site decorations created by artists to qualify as a portion of public art.
4. **USE PERMIT LIMITS.** The Use Permit allows a veterinary clinic with lobby, offices, medical rooms, material storage and animal cages and animal runs, all interior only. The applicant shall confine animal walks to an area on the east side of the building, covered with artificial turf, drained to Public Works Director satisfaction and treated with chemical control for odor protection and sanitation to Planning and Building Director satisfaction. The Use Permit may be agendized before the Planning Board by the Planning and Building Director for consideration of revocation if the Use becomes a nuisance or fails to comply with the conditions.

5. ALAMEDA POWER AND TELECOM. The developer shall install any newly required substructures including conduits, pullboxes, and transformer pads necessary to serve the proposed improvements. The developer shall grant all easements to Alameda Power and Telecom necessary for the provision and maintenance of electrical service to the site. Easements shall include metes and bound descriptions and plats and shall be prepared by a licensed land survey or civil engineer qualified to practice land surveying. Existing easements that are no longer applicable after the proposed improvements are operational shall be vacated at the direction of AP&T and City Engineer.
6. STORM AND SANITARY SEWER ANALYSIS Applicant shall provide in conjunction with building and site improvement plan submittals, storm drain and sanitary sewer flow calculations of the existing and proposed development. Private storm and sanitary sewer lines shall be constructed at the owner's expense. Should the developer use the existing private storm and sanitary lines then they shall be inspected to the approval of the City Engineer and any inflow and infiltration from open joints, broken pipe, etc. shall be rehabilitated by means acceptable to the City Engineer (i.e. slip lining, pipe bursting, replacement, inversion lining etc.) at the owner's expense. Existing public storm drain mains must remain functional during construction through use of bypass lines or other means approved by the City Engineer.
7. FIRE DEPARTMENT. Prior to issuance of building permits, the applicant shall provide plans for approval of the Alameda Fire Department. If applicable to the type of construction, the buildings shall be fitted with automatic fire sprinkler systems to NFPA 13 standards to the satisfaction of the Alameda Fire Department. On-site 3,000 gallon per minute fire hydrant(s) shall if necessary, be installed to the satisfaction of the Alameda Fire Department.
8. URBAN RUNOFF. Redevelopment projects of eligible size, which in phase-in may be 10,000 or more square feet of site area, shall minimize stormwater pollutant discharges through implementation of construction sediment control and post-construction design and treatment measures, incorporating appropriate source control and site design measures to the maximum extent practicable per requirements of the Alameda Countywide Non-Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit. Approval of this resolution does not lock-in the current NPDES permitting requirements. Should the developer reconfigure the project such that Planning board re-approval of the project would be necessary, then that portion of the project would no longer be considered "grandfathered" and could be subject to any modifications in the NPDES permitting requirements.
  - a. Design review submittals shall include a table showing the amount of pervious and impervious areas prior to redevelopment and the amount of pervious and impervious area after redevelopment. Areas shall be given in square feet. Conceptual proposals shall be included during design review

process showing methods by which impervious surfaces will be minimized and the entry of pollutants to the storm drain system will be reduced. Such methods may include methods such as pervious parking stalls using interlocking pavers, and filter inserts and units within storm drain structures. All runoff catch basins shall be labeled "Drains to Bay."

- b. Post-construction stormwater treatment control measures shall be included into project construction plans prior to issuance of any building or grading permit. A treatment measure operation and maintenance (O&M) plan shall be subject to review and approval by the City Engineer following City procedures and standards. O&M plans shall include treatment type, location, maintenance requirements, maintenance schedule and assurances of party responsible for O&M, including on-site pavement cleaning with sweeping, litter control and spill cleanup and asphalt maintenance.
  - c. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Landscaping should be designed and operated to treat stormwater runoff.
  - d. Construction activities shall comply with Notice of Intent (NOI) and Storm Water Pollution and Prevention Plan (SWPPP) NPDES permitting requirements. Design plans shall include a plan for erosion and sediment control measures that implements current Best Management Practices (BMPs) during construction activities. The erosion and sediment control plan is subject to review and approval by City Engineer, consistent with applicable City Ordinance.
  - e. Trash enclosures and/or recycling areas must be completely covered with wood or metal covers approved by building permits, with no surface flows from other areas draining into this area. BMP's shall be implemented to prevent potential stormwater pollution. These BMP's may include, but are not limited to, a regular program of sweeping, litter control and spill clean-up.
9. LANDSCAPING. Prior to issuance of building permits the applicant shall specify the size, type and number of trees, shrubs and ground cover. All landscaping and irrigation shall be installed or bonded for installation within one year, prior to approval of first occupancy of the building. A landscape maintenance agreement including any necessary bonding/performance securities shall be signed in a form approved by the Planning and Building Director.
- a. The developer shall be required to install trees as shown on the approved landscaping plan in Exhibit "A." Species, location and size of street trees shall be generally as shown on Exhibit "A," to the satisfaction of the Planning and Building Director and the Public Works Director. Trees that

are 15 gallon size or larger shall be specified unless otherwise directed by the Planning and Building Director. There shall be at least one tree per 4 parking spaces. Eucalyptus trees are not approved.

- b. Trees shall be maintained and watered in a healthy state to achieve a canopy of greenery within the parking areas. Diseased trees shall be removed and replaced immediately with healthy trees of the same or similar species.
10. **LIGHTING.** Prior to issuance of building permits, the applicant shall submit a lighting plan and details of lighting fixtures for Planning and Building Director review and approval. Lighting shall be installed in substantial compliance with City standards, generally an average of between 2 and 5 footcandles, as determined by the Chief Building Official, Police Department and AP&T. All on-site lighting shall be downward-directed lighting and shielded to avoid lighting impacts on adjacent residential areas; further sign(s) along Central Avenue shall not be illuminated.
11. **AFFORDABLE HOUSING COMPLIANCE.** The project is subject to the Affordable Housing Unit/Fee Ordinance (Alameda Municipal Code Section 27-1) for floor area over and above credit for existing floor area, estimated to be approximately 2,500 square feet. The applicant must provide housing units, pay an in-lieu fee or prepare an Affordable Housing Unit/Fee Plan and secure the approval of the Housing Development Manager, prior to issuance of a building permit. The applicant must provide the housing units or pay the Affordable Housing fee, as calculated in the approved Plan, prior to issuance of the certificate of occupancy. Currently the fee is \$1.92 per square foot of building area for retail and \$3.79 per square foot of building area for offices.
12. **CONSTRUCTION REGULATIONS**
- a. Prior to start of work of demolition, remodeling or construction, the applicant shall provide a draft waste management plan to the Public Works Environmental Services Division. This can be in any format, but must include the following:
    - i. Contractor's name, address, and telephone number
    - ii. Project location and/or street address
    - iii. Anticipated start and completion dates of the project
    - iv. A list of materials expected to be generated (e.g., glass, wood, metal, drywall, concrete, bricks), the tonnage or volume of each material, how they are to be reused, disposed or recycled, and the destination/processor for that reuse, disposal or recycling.



The Environmental Services Division will review this draft plan for conformity with Citywide waste management plan procedures, and any changes or recommendations shall be incorporated into the site plans for the project.

At the end of the demolition, remodeling or construction project, the contractor shall submit a report to the Environmental Services Division on actual tonnages disposed or recycled for each material, and the actual destination/processor.

- b. Construction activities shall be limited to the hours of 7:00 a.m. and 7:00 p.m. Monday through Friday. Noise-generating construction activities shall be limited to the hours of 8:00 a.m. and 5:00 p.m. Work on Saturdays shall require special approval of the City Engineer. No construction activity shall be permitted on Sundays or State and Federal holidays. Work requiring inspection after 3:30 p.m. weekdays will require city construction inspection fee at time and a half (1-1/2). Said fee will be in accordance with the latest public works fee overtime schedule. Work done on Saturdays requiring inspection is prohibited unless approved by the city engineer and an inspector is available. Inspection fees for Saturday work will be at time and a half (1-1/2) with a four-hour minimum.
- c. All construction vehicles shall adhere to City of Alameda truck routes.
- d. Storage of construction material and equipment on city streets will not be permitted.
- e. The contractor shall provide all lights, signs, barricades, flagmen, or other traffic safety devices necessary to provide public safety in accordance with standards. The contractor shall provide a traffic control plan to the approval of the City Engineer. The contractor shall allow a minimum of three working days for review of the traffic control plan.
- f. Temporary no parking on City streets for construction will require posting of "No Parking Signs" 48 hours in advance. Signs are available at the Building Services Office, Room 190, City Hall. Only City of Alameda issued no parking signs will be allowed.
- g. Construction equipment shall be properly muffled. Unnecessary idling of grading construction equipment is prohibited.
- h. Stationary noise-generating construction equipment such as compressors shall be located as far as practical from occupied residential housing units.

- i. Contractor shall be responsible for responding to any local complaints about construction noise.
  - j. Construction equipment, tools, etc. shall not be cleaned or rinsed into a street, gutter, storm drain or stream. Shovel or vacuum saw-cut slurry and remove from site.
  - k. A contained and covered area on-site shall be used for storage of cement bags, paints, flammables, oils, fertilizers, pesticides, or any other materials that have potential for being discharged to the storm drain system by wind or in the event of a material spill.
  - l. All construction debris shall be gathered on a regular basis and placed in a dumpster which is emptied or removed weekly. When feasible, tarps shall be used on the ground to collect fallen debris or splatters that could contribute to stormwater pollution. Any temporary on-site construction piles shall be securely covered with a tarp or other device to contain debris.
  - m. Concrete/gunite trucks and concrete/plaster finishing operations shall not discharge wash water into the street gutters or drains.
  - n. Trash and debris shall be cleaned up daily on all public streets in the project vicinity and along haul routes. Sweep as needed and as directed by the Public Works Inspector.
13. HOURS OF OPERATION. The facility shall not be open to the public from 10 pm to 7 am unless a subsequent Use Permit is requested and approved. The exception is public parking which the owner may choose to make available at no cost in the evenings before 2 am. No animals shall be taken outside for walks between 10 pm to 7 am except by their owners.
14. PLANNING AND BUILDING DEPARTMENT INSPECTION. At least 4 days prior to approval of occupancy, the applicant shall notify the Planning and Building Department to inspect the building and site to assure compliance with these conditions.
15. PARCELS. Lot line adjustment has not yet been filed for the property. Buildings shall meet property line separation requirements of the Building Code. A lot line adjustment map may be filed and approved pursuant to City subdivision regulations and the California Subdivision Map Act.
16. NOISE. A veterinary clinic is approved as shown in Exhibit A only. The applicant shall incorporate, to Planning and Building Director satisfaction, noise control and reduction measures into the operation, building design and/or site plan sufficient to achieve exterior noise standards at the receiving land use set forth in

Section 4-10.4 (Exterior Noise Standards) of Alameda Municipal Code Article II (Noise Regulations). Such noise reduction may include but are not limited to one or more of the following:

- a. Requiring closed windows and use of a ventilation system.
- b. Noise suppressing exterior wall and window construction.
- b. Noise baffles to supplement protection for residential neighbors if required.

Staff shall monitor noise impacts per Condition 19 from this use for a period of one year after occupancy of the new vet hospital and advise the Planning Board of any noise complaints or impacts from the use to surrounding properties and uses. If there are no complaints or identified impacts no further periodic review will be necessary.

17. **GEOLOGY AND SOILS.** The applicant shall implement any geotechnical recommendations identified by the Chief Building Official including:
  - a. Clearing the site of vegetation, structures, foundations, pavement and debris.
  - b. Over-excavating building pad and paving, moisture-conditioning, compacting soil.
  - c. Backfilling utility trenches with compacted soil.
  - d. Implementing Cal-OSHA construction methods.
  - e. Supporting structures on properly constructed spread footings.
  - f. Constructing properly prepared concrete slab-on-grade floors and retaining walls.
18. **POLICE DEPARTMENT.** The business should be equipped with alarm system installed and monitored covering all perimeter doors and windows. Rooftop ladders should not be placed outside the building. Address numbers shall be illuminated during hours of darkness, in position to be easily readable from the street, a minimum of 12 inches high. Rear entrance doors shall be numbered with characters at least 4 inches in height and illuminated during darkness. All doors shall be commercial grade and secured using deadbolt locks except panic hardware. Except adjacent to rear and north side property lines, shrubs shall be trimmed to a maximum of 42 inches.
19. **PERIODIC REVIEW.** The Planning and Building Director shall monitor the Use Permit and place it on the Planning Board agenda for review after one year of occupancy of the facility, and as needed thereafter to ensure compliance with conditions, particularly for noise and odors that may affect nearby residential properties.
20. **ACKNOWLEDGMENT OF CONDITIONS.** The applicant shall acknowledge in writing all of the conditions of approval and must accept this permit subject to those conditions and with full awareness of the applicable provisions of Chapter 30 of the Alameda Municipal Code in order for this Planned Development, Use Permit and Major Design Review to be exercised.

21. **HOLD HARMLESS.** The City of Alameda requires as a condition of this Variance, Use Permit and Major Design Review approval, that the applicant, or its successors in interest, defend, indemnify, and hold harmless the City of Alameda or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City concerning the subject property. The City of Alameda shall promptly notify the developer of any claim, action or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the developer of any claim, action, or proceeding, or if the City fails to cooperate fully in the defense, the developer shall not hereafter be responsible to defend, indemnify, or hold harmless the City.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the

\_\_\_\_\_ day of \_\_\_\_\_, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

# City of Alameda

## Memorandum

Date: March 22, 2005

To: Honorable Mayor and Councilmembers

From: William C. Norton  
Acting City Manager

Re: Public Hearing to consider an Appeal of the Planning Board's approval of Design Review DR04-0113 and Planned Development PD04-0004 for the construction of a new 6,000 square foot community center and four detached sixteen-car garages, exterior modifications to existing apartment buildings, and other site modifications at the 615 unit Harbor Island Apartment Complex; and related Resolution. The site is located at 433 Buena Vista Avenue within the R-4 PD, Neighborhood Residential Planned Development Zoning District. Applicant: Chris Auxier for Alameda Multi Family Ventures LLC / Appellant: Lorraine Lilley.

---

### BACKGROUND

Alameda Multi-family Ventures, LLC applied for Design Review DR04-0113 and Planned Development PD04-0004 to construct a new 6,000 square-foot two-story community center, four detached multi-car garages, exterior modifications to existing apartment buildings, and other site modifications at the 615-unit Harbor Island Apartments complex. The review process involved extensive coordination between City departments as well as two study sessions by Planning Board where the Planning Board reviewed a number of revisions to the design of the project. The project was approved on February 28, 2005 with conditions requiring that the completed project be in compliance with all current codes and regulations.

### DISCUSSION/ANALYSIS

Appellant Lorraine Lilley is appealing the Planning Board's approval of the project on the basis of the following (Attachment 1):

1. The Staff Report to the Planning Board did not report on the Code Compliance complaint filed by Modessa Henderson on February 18, 2005.
2. The proposed Community Center is an expansion of the building footprint on the property.
3. The construction of the Community Center needs to check for lead if it connects to the existing utility system.

1. Both Code Compliance and Fire Department staff investigated the complaint filed on February 18, 2005 by Modessa Henderson (Attachment 1). Code Compliance Officers investigated

the alleged violations relating to building, housing, and plumbing code violations, and the Fire Department reviewed issues related to Fire Code violations. Although the Code Compliance Officer deemed the case invalid after finding no evidence of the alleged building violations, the Fire Department continued to investigate fire safety issues raised in Ms. Henderson's complaint. The Fire Department's investigation was not discussed in the Planning Board Staff Report because the report was distributed to the Planning Board prior to the investigation. Finally, the issues relating to Code Compliance do not affect the findings made by the Planning Board to approve the Design Review and Planned Development.

2. As explained in the Planning Board Staff Report, the Community Center provides a central location for recreational amenities and site management functions that already exist on the site. Therefore it is not an expansion of use on the property. (Please see Attachment 2 - Planning Board Staff Report - page 4)

3. The conditions of approval for the project require the project to comply with all current codes and regulations. (Please see Attachment 3 - Planning Board Resolution).

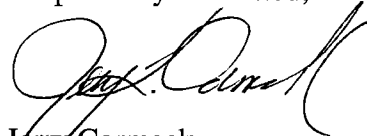
#### BUDGET CONSIDERATIONS/ FISCAL IMPACT

There will be no additional funding in the Planning & Building Department budget necessary relating to Planning activities for this project.

#### RECOMMENDATION

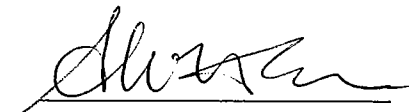
The City Manager recommends that the City Council conduct a public hearing, review all pertinent testimony and information then act to uphold the Planning Board's approval of Major Design Review DR04-0113 and Planned Development PD04-0004 by adopting the draft City Council Resolution included in the agenda packet. Should the City Council take no action, the decision of the Planning Board stands.

Respectfully submitted,



Jerry Cormack  
Interim Planning Director

By:



Allen Tai  
Planner III

Honorable Mayor and  
Councilmembers

March 22, 2005  
Page 3

ATTACHMENTS:

1. Petition for Appeal, March 10, 2005 (with attachments)
2. Planning Board Staff Report, February 28, 2005 (with attachments)
3. Planning Board Resolution No. PB-05-09 approving Design Review DR04-0113 and Planned Development PD04-0004 (with Conditions of Approval).
4. Project Plans (On file in City Clerk's Office)

cc: President Cunningham, Planning Board  
Chris Auxier, Alameda Multi Family Ventures, LLC  
Lorraine Lilley, Appellant  
Modessa Henderson, Harbor Island Tenants Association

G:\PLANNING\CC\REPORTS\2005\g-Apr 05\BuenaVista433\_DR04-0113PD04-0004appeal.doc

PETITION FOR APPEAL

TO: CITY OF ALAMEDA  
City Hall  
2263 Santa Clara Avenue #190  
Alameda CA 94501

P/C

RECEIVED

MAR 10 2005

This petition is hereby filed as an appeal of the decision of the CITY OF ALAMEDA  
CITY MANAGER'S OFFICE

PLANNING BOARD  
(Planning Director/Zoning Administrator/Planning Board/Historical  
Advisory Board)

which APPROVED for  
(Denied/Granted/Established Conditions)

PD04-0004/02-04-0013 at 433 B.V. for a  
(Application Number) (Street Address)

☒ Design Review ☐ Use Permit ☐ Variance  
☐ Subdivision Map ☐ Rezoning ☒ Planned  
Development  
☐ Planned Development/Amendment ☐ Other (Specify)

on 28 FEB 05  
(Specify Date)

The basis of the appeal is: incomplete reporting (p 4 & c)

no outstanding code violations - code violations submitted feb 18, 2005 regarding  
fire exit on all buildings. Community Room is expansion

currently no footprint exists on property

The construction of community room plumbing will need to check for lead if connects to current  
(If more space is needed, continue on the reverse side or attach additional sheets)

Lorraine Lilley  
(Name)

2445 Shoreline Drive #100  
(Address)

Alameda, CA 94501  
(City/State)

510-325-5024 cell

(Telephone - Work)  
510-523-3626  
(Telephone - Home)

\*\*\*\*\*  
(For Office Use Only) Date Received Stamp

Received By:  
Receipt No.:

William C Norton

G:\PLANNING\FORMS\APPEAL01.WPD

Attachment #1



3-10-05

Received from Ms Lorraine  
Lilley the sum of \$150.00 for  
the appeal of PD04-004/DR-04-0113  
at 433 Buena Vista Ave

William C. Norton  
for City of Alameda

CITY OF ALAMEDA  
CODE COMPLIANCE - COMPLAINT QUESTIONNAIRE

PLEASE PROVIDE THE FOLLOWING INFORMATION - PRINT CLEARLY AND  
COMPLETE THE ENTIRE FORM

**CONFIDENTIAL**

(To the extent permitted by law)

COMPLAINANT INFORMATION:

COMPLAINANT: MODESSA HENDERSON Co-Chairperson H.I.T.  
ADDRESS: 465 Buena Vista Ave #105  
PHONE NUMBER: 510-523-4108

ALLEGED VIOLATION/NATURE OF COMPLAINT INFORMATION:

ADDRESS OF ALLEGED VIOLATION: 433 Buena Vista Ave.  
OWNER NAME (if known): 15. Group Asset Management  
OWNER PHONE NUMBER (if known): 510-521-0822  
TENANT NAME (if any): MODESSA HENDERSON  
TENANT PHONE NUMBER (if known): 510-523-4108

Habitability and Repair problems inside units and outside of units.

DESCRIBE IN DETAIL THE NATURE OF VIOLATION/COMPLAINT

The building continues to remain uninhabitable, as does the entire complex. As an example, boarded-up units and buildings indicate a vacancy or an unoccupied space. Un-boarded units are a definite indicator that the space is still occupied and daily increases personal danger issues for becoming a victim of vandalism, theft and bodily harm and/or death. All empty units on the first floors of the complex have had their patios stripped away. Those units with balconies remaining, beckon unscrupulous individuals to approach and/or attack. By doing this the landlord is deliberately setting the remaining tenants up for an extremely dangerous situation in a last ditch effort to force them out of their

RETURN THIS FORM TO:

CITY OF ALAMEDA  
CODE ENFORCEMENT  
2263 SANTA CLARA AVENUE RM. 190  
ALAMEDA, CA 94501  
FAX NR. 510-747-6804

ATTACHMENT 1

homes. People and their children are being threatened with bodily harm to themselves and/or their children. They lack security doors at their individual units while each of the units of resident staff for Fifteen Asset Management have locked metal security doors on their individual doors.

These metal doors were installed after the eviction processes started and were recently added within the last <sup>12-8</sup> three weeks. This further insures their safety. As a rental tenant should I not be afforded the same? This shows another example of a lack of concern for paying tenants by the landlord.

With all of the above going on, to date, no repairs have been made, to my unit or any others, and things are continuously deteriorating on a daily basis. This deterioration is both, internal and external, inclusive of the "so-called" common areas. In some buildings, elevators do not work properly, feces is in the hallways and stairwells, many of the laundry facilities lack hot water and/ or the appliances do not work at all. There are abandoned cats all over the entire complex. Cars are being vandalized and the broken glass is left to create a danger. There is standing water in the hallways, the building exit doors are bolted, causing a potential danger for fire and entrapment. Fire alarms are going off when there is no apparent reason to do so. The fire hoses are continuously being tampered with and dripping with water, which means they will lack the power to put out a fire should one actually occur. I fear for my safety and life because of these on-going situations. There is a visible absence of security staff to assure anyone's safety remaining in this complex, as shown by the vandalism and fires. In addition, fires have been set in a number of empty apartments and boarded up buildings in the complex. For example, in building eleven and building fifteen, which both are currently occupied, random fires have been set.

Sincerely,  
Modessa Henderson  
MODESSA HENDERSON

C.C.  
H.H.D.  
Spousing Authority  
of the City of Alameda CA.  
Fire Chief - and Fire Dept

# **Notice to Abate**

February 23, 2005

Michael Lee  
Fifteen Group  
433 Buena Vista Ave.  
Alameda CA. 94501

**RE: Life and Fire Safety Inspection.**

Dear Sir:

On February 23, 2005 at or about 0830, Alameda City officials conducted a Fire and Life safety inspection of your properties, identified as Harbor Island. Identified below are the listed violations noted during this inspection.

**BLDG. # 435)**

- Service all portable extinguishers.
- Replace the missing portable extinguisher next to room # 114
- Service fire alarm system.
- Secure all un-occupied units from un-authorized entry. (Completely cover window.)
- Elevator/broom closet, repair holes in ceiling and walls.
- Provide cover panels for all exposed electrical boxes in above area.
- Elevator room, repair or replace heat detector.
- Unbolt all doors that may be used as a fire exit for tenant or employees.

**BLDG. # 459)**

- Service all portable extinguishers.
- Service Fire alarm system. Note: Zone #2, indicates an activated system.
- Repair exit light on second floor, outside stairway.
- Room #211 found with no plywood covering front door.
- Provide exit sign for exit door next to room #211.

**BLDG. # 465)**

- Repair holes in the ceiling of elevator equipment room, and remove all storage and rubbish in same area.
- Replace electrical panel doors in janitorial closet, repair all opening in ceilings and walls.

Re-rack fire hose in cabinet on the 3<sup>rd</sup> floor and service portable extinguisher.

**BLDG. # 465)**

Repair holes in the 3<sup>rd</sup> floor laundry room and in the wall next to the door entering the laundry room.

Unbolt all exits that may be used as fire emergency egress/access.

Provide illuminated exit sign for the area next to room 105. (Repair or replace)

**BLDG. # 457)**

Service alarm system.

Repair 3<sup>rd</sup> floor railing to outside stair.

Replace missing sprinkler heads and missing sprinkler head wrench from the repair kit.

**BLDG. # 455)**

Per. Management, No tenant above the first floor, The laundry room not in service.

**BLDG. #433)**

Provided cover plates for all electrical outlets in cardio fitness room.

Replace missing sheet rock in same area.

**BLDG. # 535)**

Cap exposed wires in elevator room.

Seal opening in fire rated wall in elevator room.

Provide cover plates for electrical outlets in the 1<sup>st</sup> floor hallway. (Next to room #109).

Un-secure all doors used as a fire access or egress.

**BLDG. #525)**

Service Fire alarm system.

Repair holes in wall next to hose cabinet on the 1<sup>st</sup> floor.

**BLDG. # 527)**

Close void spaces caused by the installation of over head lighting in breezeway.

**BLDG. #529)**

Remove electrical power supply and plugs use to recharge equipment. This cord runs through a hole that has been drill through the wall.

Properly store or dispose of car batteries found in front of the facilities repair shop.

**BLDG. #475)**

Service Fire alarm system.

Re-rack fire hose in cabinet.

All exit signs must indicate the path of travel.

All fire rated corridors require properly maintain and functional doorways. Your facility is equipped rated fire doors. These doors must be maintained in accordance to the manufactures specifications.

The following buildings are vacant, however, they all require the plywood over the windows to be properly sized in order to provide adequate security.

BLDG's # 453, 529, 463, 473, 521, 523.

You are hereby notified to immediately correct the above violations. Re-inspection of your property will be conducted 21 days from the date of this inspection.

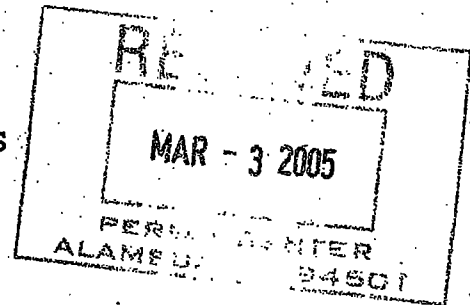
Thank you in advance for your attention to this matter. If you have any questions concerning any violations identified, please contact the Fire Prevention Bureau at 510 337-2124.

Thank You.

Karl Mims  
Fire Prevention Officer

REQUEST FOR PUBLIC RECORDS

I, ANDERSON, MODERNA hereby request:  
(print name)



(check applicable blank)

       inspection of the public records listed below,  
  X   copies of the public records listed below.

The public records I want are: (Please fill in author, recipient, date written and subject matter, if known. The more information you provide the easier it will be for us to find the document you are requesting.)

INSPECTION RESULTS FROM  
CODE ENFORCEMENTS 3-2-05  
INSPECTION RE: X05-0047 +  
X04-0443.

- \* Every effort will be made to process your request in a timely manner. However, the City has up to ten (10) days to respond to a written request for copies, or an inspection, of public records. If necessary, an extension of up to ten (10) days may be granted by the City Manager. The custodian of the record must notify you as to the time extension required to produce the document.
- \* There is a fee for copies of public records which must be paid before the copies may be delivered.
- \* In case the City needs to contact me about my request, I may be reached at:

Telephone number (510) 523-4084 and/or

Address 465 Buena Vista #105

DATE:

3-3-05

Signature:

Moderna Anderson

**CITY OF ALAMEDA  
PLANNING AND BUILDING DEPARTMENT**

**STAFF REPORT**

**ITEM NO.:** **8-C**

**APPLICATION:** **PD04-0004/DR04-0113 Alameda Multifamily Ventures, LLC – 433 Buena Vista Avenue** – Applicants request Design Review and Planned Development approvals for the construction of a new 6,000 square foot community center and four detached sixteen-car garages, exterior modifications to existing apartment buildings, and other site modifications. The site is located at 433 Buena Vista Avenue within the R-4 PD, Neighborhood Residential Planned Development Zoning District.

**GENERAL PLAN:** Medium-Density Residential

**STAFF PLANNER:** Allen Tai, Planner II

**RECOMMENDATION:** Approve Design Review and Planned Development with conditions

**ACRONYMS:** AMC –Alameda Municipal Code  
PD– Planned Development  
CEQA – California Environmental Quality Act

**ATTACHMENTS:**

1. Project Plans
2. Draft Resolution
3. Police Department Memorandum dated December 7, 2004
4. City Departmental comments dated December 10, 2004
5. Staff Report for December 13, 2004 Study Session
6. Staff correspondence dated December 23, 2004
7. Applicant's correspondence received January 8, 2005
8. Staff Report for January 24, 2005 Study Session
9. Staff correspondence dated February 1, 2005
10. Applicant's correspondence received February 15, 2005
11. Renderings of the proposed Building Exteriors

---

**I. PROPOSAL SUMMARY**

The proposed project includes the construction of an approximately 6,000 square-foot community center and four detached garage structures, exterior modifications to existing buildings, and other site improvements. The proposed community center is a two-story structure

Alameda Planning Board  
Staff Report  
Meeting of February 28, 2005

**Attachment #2**



located in the center of the site near an existing swimming pool. The community center will house several administrative/leasing offices on the first floor and a community room and fitness center on the second floor. The existing carports on the north side of the property will be removed to accommodate four garages. The four garages consist of two types: a 4,400 square foot 18-car garage and a smaller 3,400 square foot 14-car garage. The garages will be designated for tenant parking, with the exception of a portion of one of the larger garages, which will be reserved for maintenance vehicles and equipment storage. The proposed modifications to the existing apartment buildings include items such as trim, new columns and railings, replacement windows, roof trellises, and other new exterior details designed to give the buildings a more contemporary upgraded appearance. Existing utility buildings, carports and trash enclosures will also be redesigned under the new design scheme. Other site improvements include new landscaping throughout the complex, new fencing material around the site, and entry pylons at designated site entrances; the entrances will not be gated. The following lists the specific components of the scope of work on the exterior:

- Construct two-story 6,000 s.f. Community Center. The proposed Community Center includes four leasing offices and supply room on the first floor and a community room and fitness room on the second floor, each approximately 1,200 s.f. in size. An outdoor patio serves a dual purpose as a recreation area and transition space to the pool. The design incorporates elements of a painted standing seam roof, trellises, and decorative light fixtures. (Plan Sheet A02.17 and A02.17a)
- Construct four garages, two 4,400 s.f. 18-car garages and two 3,400 s.f. 14-car garages. The parking is configured in two rows with access doors on the front and rear elevations. The garage has plaster siding and is distinguished by wood trellises on the roof. The four garages will be located in the existing parking area on the north side of the property. (Plan Sheet A 02.18)
- Existing carports on the property will be demolished, with the exception of some of the carports along the east of the property, which will be replaced with trellis roof coverings. (Plan Sheet A13.02)
- Existing surface parking areas will be re-stripped in conformance with current standards to increase overall on-site parking (Plan Sheet L1.00).
- Application of new decorative elements on existing apartment buildings. New exterior details include: new pilasters and columns around existing balconies and ground floor patios, decorative cornice, trim, and guardrail elements. New gable roofs will be added to cover existing rooftop mechanical equipment. Existing stair towers, which have flat roofs, will be capped with a craftsman style gable roof. (Plan Sheet A9.23)
- Decorative trellises will be added to existing utility enclosures using the same design scheme on other buildings. (Plan Sheets A13.01 & A13.02)
- New 4'6" decorative wood with mesh wire fencing will be placed in various sections along the periphery of the property. Openings are located in various areas to provide pedestrian access. (Plan Sheets A13.01, A13.05)
- 12' tall pylons will be placed at driveway entrances serving as entry markers. (Plan Sheet A13.03)
- New landscaping will be planted around the property and concrete paving in open space areas will be reduced. (Plan Sheet L1.00)

Project approvals include a Planned Development and Design Review. General interior improvements are also proposed, but these elements are not subject to Design Review. No new dwelling units are proposed to be added.

## **II. PUBLIC NOTICING**

Public Notices for the hearing were distributed to properties within 300' of the subject site pursuant to Government Code 65090 and 65091, which requires notification of public hearings to be distributed to property owners within 300' of the subject property and published in a newspaper a minimum of 10 days prior to the hearing. Notices for this project were completed according to those provisions with Public Notice letters distributed twenty days in advance. Planning staff also posted a total of nine notices within close proximity to the project site.

## **III. BACKGROUND**

The site is bordered by the Alameda Beltline and Ralph Appezato Memorial Parkway (formerly Atlantic Avenue) at the north, Buena Vista Avenue at the south, and Poggi Street at the west. Surrounding land uses included the College of Alameda and the Bayport residential development on the north; multifamily apartments on the west and south; and "The Gardens" single family residences on the east. The complex consists of 615 apartment units in sixteen apartment buildings. There are approximately 16 unit types, ranging from 650 square foot single bedroom units to 1,200 square foot four bedroom units. Of the sixteen buildings, two are two-story buildings and fourteen buildings are three-story buildings; the two-story buildings are approximately 20' in height and the three-story buildings are approximately 28' tall, which have stair towers that extend 35' above grade. Accessory buildings on the site consist of utility buildings, trash enclosures and pool equipment building dispersed throughout the site. Recreational amenities including a swimming pool and children's playgrounds are located near the center of the property. Parking is located under roofed carports and in open striped lots at the perimeter of the site.

According to Planning Board minutes and Building Permit records, the development was known as the Gersten-Tarman Planned Development project when it was reviewed and approved by the Planning Board in April 1962. Federal involvement in the project involved funding provided by the Federal Housing Administration. The current conditions at the site were constructed as approved by the Planning Board according to Building Permit records, which contain construction drawings stamped with the Planning Director's approval. Construction of the project occurred during the mid 1960s. This information does not change the application process and requirements for the proposed project. The Planned Development process in 1962 was different than the current process in that the site plan and elevations required Planning Board approval, but the process for future construction and amendments were not specified. The current proposal and any future amendments are subject to today's PD standards which requires to review by the Planning Board pursuant to AMC 30-4.13(m).

As of February 18, 2005, remodeling of the interior of the units have been submitted for plan check to the Permit Center. General interior improvements are not subject to Design Review. At the time of this report, only five building permits have been issued for re-roofing.

No outstanding code violations are on file with the Code Compliance Division.

#### **IV. ENVIRONMENTAL REVIEW**

The proposed project qualifies for Categorical Exemption under multiple sections in CEQA Guidelines, these exemptions include: Section 15301 – Existing Facilities, Section 15302 - replacement or reconstruction of existing structures and facilities; Section 15303 - New Construction or Conversion of Small Structures, Section 15304(b) - Landscaping; and Section 15061(b)(3) - No significant effects found.

The proposed community center and garages qualify for the CEQA exemptions because they do not represent a change in use at the site. These proposed structures are accessory to the residential use at the site, and they provide management functions and recreational amenities that already occur on the property. The proposed alterations to the apartment buildings primarily involve cosmetic upgrades to the exterior and will be accomplished to meet current building code standards. Furthermore, all proposed changes are made to existing residential buildings, and no new dwelling units are being added to the site. The proposed project will improve open space and designate additional recreational facilities for the tenants. Therefore, the proposed project qualifies for the CEQA Categorical Exemptions noted in the above and is exempt from further environmental review.

#### **V. DISCUSSION**

##### **A. Study Sessions**

The Planning Board held two study sessions to take public comments and review plans for the proposed modifications at Harbor Island Apartments. The first study session took place on December 13, 2004 and the second study session on January 24, 2005. The Board commented on a number of items including:

- Improving pedestrian connections to the neighborhood.
- Providing more recreational amenities.
- Redesigning the proposed stair towers.
- Preserving existing sight lines.
- Improving pedestrian pathways.
- Improving Appezato parkway frontage.

Comments from the December 13<sup>th</sup> study session are summarized in Attachment #6.

In response to the comments from the study session, the applicants met with Planning staff and representatives from various City departments to address project comments. The revisions were

presented to the Planning Board on January 24, 2005 and are described in the Staff Report for that Study Session (Attachment #). The Board's discussion during this second Study Session focused on the following items:

- Exploring ways of preserving sightlines by placing garages at particular locations.
- Selecting an lower gable or hipped roof for the stair towers.
- Need for a detailed Construction-Phasing Plan.
- Need for elevation drawings of proposed garages showing apartment buildings in background.
- Devise a plan to provide adequate garbage collection and meet City requirements.

Additional information about the second study session is summarized in the staff correspondence letter dated February 1, 2005. (Attachment #9)

## **B. Discussion Topics**

A number of items were discussed during project review. The following summarizes the discussions that occurred for each topic:

Neighborhood Connections – Comments from staff review and the Planning Board study session addressed the need to enhance pedestrian circulation to and from the site. As a result of the coordination between the applicants and City staff, the proposal incorporates the following elements suggested by the draft West Alameda Neighborhood Improvement Plan (WANIP):

- Pedestrian connectors in northern parking lot to Appezzato Parkway along Fifth Street axis and at north east corner of the property aligned with West Campus Drive.
- Pedestrian connectors along Poggi Street (Woodstock Park Connector) and at corner of Poggi Street and Buena Vista Avenue intersection.
- Traffic calming bulb-out at Poggi Street and Buena Vista Ave. intersection.
- Creation of nine, 15-ft. wide openings in existing Appezzato Parkway wall with decorative fencing material.

The proposed pedestrian connectors are only conceptual at this time because the WANIP is in draft form and details about specific components are not available. Realization of the actual WANIP components will depend on the property owner's coordination with Public Works and Planning staff once the WANIP is accepted and implemented by the City. The implementation of the pedestrian connectors suggested by the WANIP will also reduce the ability to increase parking on the site.

Landscaping/Ground Improvements – The proposed landscaping will feature a row of trees and a mix of landscaping along the entire Appezzato Parkway border. A series of see-through fencing are introduced along Appezzato Parkway to break-up the existing masonry wall. The existing fence will also be modified to include lattice features complementing the new design scheme applied throughout the property. The applicants have also indicated their desire to acquire and improve the Appezzato Parkway frontage if the adjacent Alameda Beltline becomes available in the future. Other ground improvements include the enhancement of landscaping around private patio spaces that serve as a transition space between the common/public areas and the open space

for the individual units. Staff recommends requiring a Landscape and Common Area Maintenance Agreement between the property owners and the City as a condition of approval to ensure diligent maintenance of the property by the property owners.

Community Center design and swimming pool: The proposed 6,000 s.f. Community Center includes four leasing offices, a supply room, and a break room on the first floor and a community room and fitness room on the second floor. The two floors are connected by an outdoor patio. The design incorporates elements of a painted standing seam roof, trellises, and decorative light fixtures. The transition between the community center and the swimming pool is provided by a shaded terrace (Plan Sheets A02.17 & A02.17a). Plans show that one outdoor shower will be provided for the swimming pool as required by the Alameda County Environmental Health Department.

Pedestrian Circulation: - The existing pedestrian circulation plan for the site features vast areas of pavement and wide pathways. The applicants currently seek to reduce the amount of pavement in the existing pathways, and the current plans shows pathways that are not new but are existing pathways that have been trimmed. (Plan Sheet L1.00) The removal of hardscape areas will reduce the amount of impervious surfaces on the site and enhance the pedestrian experience by allowing landscaping improvements. While the pedestrian paths will not be significantly reconfigured, the reduction of pavement areas will also enable the creation of “mini-parks” located in each of the four quadrants of the property. The plans also show the increase of open space and recreation areas as discussed below.

Roof Design Alternatives: During the first study session, the Planning Board asked that the applicants consider incorporating various roof designs and articulation into the elevations as well as considering revisions to the stair tower design. In response, the applicants presented two design alternatives at the second study session. Both alternatives showed a shorter extension to the stair towers, but Option 1 kept the original gable roof design and added Craftsman style brackets while Option 2 substituted the gable roof with a hipped roof design. The Board was supportive of both alternatives, and the applicants have selected Option 1 as the design for the stair towers. (Plan Sheet A9.23).

Design Compatibility of Buildings – In response to comments that the proposed exterior design of the buildings appeared “too corporate,” the architects have submitted revised elevation drawings that present a streamlined application of the original design. The current design also incorporates architectural features drawn from Craftsman style designs present in traditional Alameda neighborhoods. Staff believes that the design scheme will improve the appearance of the site by adding articulation to the existing buildings that resembles Alameda’s architectural character. The proposed project also complies with the City’s Design Review Guidelines.

Parking - There are presently no standards on visitor parking for assembly spaces accessory to multifamily residential developments, but visitor parking standards for the community center can be established through the PD process. The community center is designed for exclusive use of the tenants and should not generate new parking demand. The necessity to require any additional visitor parking should be considered with the understanding that physical constraints including the operation of trash enclosures and desired landscape improvements limit the creation of additional parking on the site. In terms of the number of spaces, the City’s current parking

regulations allow up to 50% of all required spaces to be Compact (7.5' x 15' vs. 8.5' x 18' Standard). The project proposal would reconfigure some of the existing 10' x 20' spaces, which are larger than what current code requires, to compact spaces and would re-stripe other existing spaces to meet current required dimensions. These changes would result in an increase in overall parking on the site. According to the applicants, each of the 615 units would be assigned a minimum of one parking space, and some units will be assigned standard spaces while others would be assigned compact spaces. Bicycle racks have also been incorporated into the plans. The following table describes the changes to the number of parking spaces on site.

<b>Table 1: Parking Configuration</b>		
<b>Parking Type</b>	<b>Existing Spaces</b>	<b>Proposed Spaces</b>
10' x 20'	667	0
Motorcycle	2	0
Standard 8.5' x 18'	0	335
(Handicapped Accessible)	4	10
Compact 7.5' x 15'	0	345
<b>Total</b>	<b>673</b>	<b>690</b>
Garaged	0	60
Carport	510	38
Uncovered	163	592
<b>Total</b>	<b>673</b>	<b>690</b>

Tree Location in Parking Areas - One tree is required for every four unenclosed parking spaces on the site according to the AMC 30-7.10(b). In reviewing the site plan, it appears that there are a sufficient number of trees to meet the requirement of one per four spaces. The revised landscape plans demonstrate compliance with the AMC requirement in terms of "providing a canopy throughout the parking lot, not just at the periphery." Furthermore, the current landscaping layout yields to additional parking while meeting the goal of creating a pleasant pedestrian experience throughout the site.

Open Space and Recreational Areas: The existing site plan at Harbor Island includes one play area adjacent to the east side driveway, one on the west side of the pool, and four small sand-box areas dispersed throughout the site. The revised proposal upgrades the play area adjacent to the pool, adds a second tot lot between buildings 475, 525, and 527, a new volleyball court and lawn area, a grouped picnic/BBQ area with tables grouped in four "mini-parks" located in each of the four quadrants of the property, and recreational amenities in the proposed community center. The following table provides a comparison of these changes:

<b>Table 2: Comparison of Recreation Areas</b>		
	<b>Existing</b>	<b>Proposed</b>
Picnic/BBQ Area	✓	✓
Tot Lots	✓	✓
Sand Boxes	✓	
Pool	✓	✓
Volleyball Court and Lawn		✓
Community Room		✓
Fitness Room		✓
<b>Types of Recreation Areas</b>	<b>4</b>	<b>6</b>

Trash Enclosures: In response to the comment that additional trash enclosures are needed on site, the applicants have decided to maintain and improve the existing trash enclosures and the compactor at current locations. There are currently 12 trash enclosures located at various locations and one central trash compactor along the northern edge of the property. Recycling bins will be provided in each of the existing trash enclosures. Staff recommends that coordination with the Public Works Department be required as a condition of approval for the maintenance of trash/recycling enclosures on the site and to ensure compliance with all codes and regulations.

Structural/Seismic Upgrades: All work performed under valid permits requires compliance with current building code and safety standards. The applicant's response in the attached correspondence describes their approach on this issue. Compliance with all City requirements related to structural/seismic safety, utility infrastructure, etc. will be required as a condition of approval.

Site Security: Since the previous study sessions, the applicants have coordinated with Police Department staff on enhancing security measures on the site. These issues relate to addressing, security alarms, lighting, etc. (Attachment #3) Staff recommends that the project satisfy the Police Department recommendations as a condition of approval.

## **VI. FINDINGS**

### **A. Planned Development**

The following findings can be made to support approval of the Planned Development:

1. **The Planned Development would allow for a more effective use of the site than is possible under the regulations of the underlying district with which the Planned Development District is combined** because it provides an opportunity to carry out improvements customized for large multifamily developments, such as the community center and multi-car garages, where no provisions are available in the underlying district for such facilities.
2. **The Project meets the Planned Development requirements** because the proposed community center and detached garages are accessory uses to the primary residential use. The proposed community center and detached garages do not represent a change or expansion in use of the site. The recreational uses and administrative functions proposed in the community center are uses that already exist and will be relocated on the site. The uses will be exclusively by the residents of Harbor Island Apartments and their guests.
3. **The Project is consistent with the General Plan** because the Project seeks to enhance the existing residential property by adding recreational amenities and upgrading the aesthetic character of the existing buildings. As a result, the Project conforms to General Plan Guiding Policy 2.4.a., which recommends maintenance and enhancement of the residential environment of Alameda's neighborhoods.

4. **The Project will not have a significant effect on adjacent land uses** because it will be located on a developed site, and would not result in a significant increase in traffic, pedestrian volume, or parking demand. Furthermore, there will be no adverse effects on aesthetics, open space, noise, and circulation.
5. **The Project will not adversely affect parking** because the complex already provides parking spaces for management and leasing functions along Poggi Street. With the relocation of those functions to the proposed community center, the parking spaces for the office use would be moved from Poggi Street to the existing parking area in front of the new building. This change of location will be beneficial to the city by reducing the frequent ingress/egress pattern generated by the existing management office at the corner of Poggi Street and Buena Vista Avenue. Furthermore, additional off-street parking spaces will be created as a result of the project.
6. **The Project will not adversely affect open space** because although the proposed community center would eliminate three picnic tables and two grills in front of the swimming pool, other picnic areas and recreational spaces are proposed in various locations on the site. The fitness room, community room and outdoor patios in the community center will enhance recreational opportunities by providing a greater diversity of activities for the residents.
7. **The site is physically suited for the type of development** because the site is fully developed and the proposed community center and garages are accessory to the existing residential use.
8. **The site is physically suited for the proposed density** because the proposed community center will be providing services to residents who are already on the site. No additional dwelling units are being created and no significant traffic demand will be generated as a result of this project.

## **B. Design Review**

The following findings can be made to support approval of the Design Review application:

1. **The Project will have no adverse effects on persons or property in the vicinity**, because the project consists of improving amenities to residents of the complex and the process requires all construction to meet current codes and safety standards.
2. **The Project is compatible and harmonious with the design and use of surrounding properties**, because the exterior design of the new structures and renovated buildings incorporate common architectural features representative of Alameda's character, and when all conditions of approval are met, the project design will be compatible and harmonious with the surrounding properties.
3. **The Project is consistent with the City's Design Review Guidelines**, because the project incorporates elements to integrate the site with the surrounding neighborhood as well as



enhancing the design of the existing buildings; therefore the project is consistent with the City's Design Review Guidelines.

## **VII. RECOMMENDATION**

The Planning & Building Director recommends that the Planning Board review project plans, hold a public hearing to accept public comments, and then act to approve Design Review DR04-0113 and Planned Development PD04-0004 with conditions outlined in the draft Resolution.

G:\PLANNING\PB\Reports\2005\1d-Feb 28\FinalReport\_BuenaVista433\_PD04-0004\_DR04-0113.doc

CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION NO. *DRAFT*

APPROVING DESIGN REVIEW NO.: DR04-0113 AND PLANNED DEVELOPMENT NO. PD04-0004 TO CONSTRUCT A 6,000 SQ. FT. COMMUNITY CENTER AND FOUR DETACHED GARAGES, EXTERIOR MODIFICATIONS TO EXISTING BUILDINGS, AND OTHER SITE MODIFICATIONS AT 433 BUENA VISTA AVENUE, LOCATED IN A R-4 PD, NEIGHBORHOOD RESIDENTIAL PLANNED DEVELOPMENT ZONING DISTRICT.

WHEREAS, an application was made on November 12, 2004, by Axis Architecture and Design for Alameda Multifamily Ventures, LLC., requesting Design Review and Planned Development approvals to construct a 6,000 sq. ft. community center and four detached garages, exterior modifications to existing apartment buildings, and other site modifications at 433 Buena Vista Avenue ("Project"); and

WHEREAS, the application was accepted as complete on December 10, 2004; and

WHEREAS, the subject property is designated as Medium Density Residential on the General Plan Diagram; and

WHEREAS, the subject property is located in the R-4 PD, Neighborhood Residential Planned Development Zoning District; and

WHEREAS, the 1962 Planned Development approval recognizes the existing residential use and improvements, including the number of parking spaces, site configuration, building setbacks, open space, building location, recreation facilities, easements, and accessory buildings; and

WHEREAS, the construction of a new structure that requires a building permit and exterior improvements are subject to Design Review pursuant to AMC Subsection 30-37.2(a); and

WHEREAS, site modifications to properties zoned Planned Development are subject to the Planned Development process, pursuant to AMC Subsection 30-4.13(c); and

WHEREAS, the Planning Board held study sessions on this application on December 13, 2004 and January 24, 2005 to take public testimony and comments on the proposed design of the Project; and

WHEREAS, the applicants have worked with the City to address the comments raised during Project review; and

WHEREAS, the Planning Board held a public hearing on this application on February 28, 2005 and has made the following findings relevant to the Planned Development application:

1. **The Planned Development would allow for a more effective use of the site than is possible under the regulations of the underlying district with which the Planned Development District is combined** because it provides an opportunity to carry out improvements customized for

large multifamily developments, such as the community center and multi-car garages, where no provisions are available in the underlying district for such facilities.

2. **The Project meets the Planned Development requirements** because the proposed community center and detached garages are accessory uses to the primary residential use. The proposed community center and detached garages do not represent a change or expansion in use of the site. The recreational uses and administrative functions proposed in the community center are uses that already exist and will be relocated on the site. The uses will be exclusively by the residents of Harbor Island Apartments and their guests.
3. **The Project is consistent with the General Plan** because the Project seeks to enhance the existing residential property by adding recreational amenities and upgrading the aesthetic character of the existing buildings. As a result, the Project conforms to General Plan Guiding Policy 2.4.a., which recommends maintenance and enhancement of the residential environment of Alameda's neighborhoods.
4. **The Project will not have a significant affect on adjacent land uses** because it will be located on a developed site, and would not result in a significant increase in traffic, pedestrian volume, or parking demand. Furthermore, there will be no adverse effects on aesthetics, open space, noise, or circulation.
5. **The Project will not adversely affect parking** because the complex already provides parking spaces for management and leasing functions along Poggi Street. With the relocation of those functions to the proposed community center, the parking spaces for the office use would be moved from Poggi Street to the existing parking area in front of the new building. This change of location will be beneficial to the city by reducing the frequent ingress/egress pattern generated by the existing management office at the corner of Poggi Street and Buena Vista Avenue. Furthermore, additional off-street parking spaces will be created as a result of the Project.
6. **The Project will not adversely affect open space**, because although the proposed community center would eliminate three picnic tables and two grills in front of the swimming pool, other picnic areas and recreational spaces are proposed in various locations on the site. The fitness room, community room and outdoor patios in the community center will enhance recreational opportunities by providing a greater diversity of activities for the residents.
7. **The site is physically suited for the type of development**, because the site is fully developed and the proposed community center and garages are accessory to the existing residential use.
8. **The site is physically suited for the proposed density** because the proposed community center will be providing services to residents who are already on the site. No additional dwelling units are being created and no significant traffic demand will be generated as a result of this Project.

WHEREAS, the Planning Board held a public hearing on this application on February 28, 2005 and has made the following findings relevant to the Design Review application:

1. **The Project will have no adverse effects on persons or property in the vicinity**, because the Project consists of improving amenities to residents of the complex and the process requires all construction to meet current codes and safety standards.
2. **The Project is compatible and harmonious with the design and use of surrounding properties**, because the exterior design of the new structures and renovated buildings incorporate common architectural features representative of Alameda's character, and when all conditions of approval are met, the Project design will be compatible and harmonious with the surrounding properties.
3. **The Project is consistent with the City's Design Review Guidelines**, because the Project incorporates elements to integrate the site with the surrounding neighborhood as well as enhancing the design of the existing buildings; therefore the Project is consistent with the City's Design Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board of the City of Alameda hereby determines that the proposal is Categorically Exempt under California Environmental Quality Act Guidelines, Section 15301 – Existing Facilities, Section 15302 - replacement or reconstruction of existing structures and facilities; Section 15303 - New Construction of Conversion of Small Structures, Section 15304(b) - Landscaping; and Section 15061(b)(3) – Where it can be seen with certainty that there is no possibility that the Project may have a significant effect on the environment, the activity is not subject to CEQA.

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby approves Design Review DR04-0113 and Planned Development PD04-0004, subject to the following conditions:

1. **APPROVED PLANS.** The Project shall be completed in substantial compliance with plans prepared by Axis Architecture + Design, titled "Harbor Island Apartments Design & Planned Development Review," consisting of forty-seven (47) sheets, dated February 15, 2005 marked as "Exhibit A", on file in the City of Alameda Planning and Building Department, subject to the conditions specified in this resolution.
2. Amendments to this Planned Development approval shall be required when improvements fall within the criteria specified in AMC Subsection 30-4.13(m).
3. Project improvements affecting electrical service shall be coordinated with Alameda Power and Telecom.
4. All Project improvements shall conform to the requirements of the 2001 California Building Standards Code and Alameda Building, Plumbing, Mechanical, and Electrical Codes.
5. All Project improvements shall conform to the applicable requirements of the Fire Department, which may include, but not limited to, the installation of Fire Sprinklers and Fire Alarms, to the satisfaction of the Fire Chief.

6. The applicants shall coordinate with the Police Department to ensure that the Project complies with public safety requirements noted in the Police Department memorandum to Planning staff dated December 7, 2004, as amended by subsequent communications between the applicant and the City, to the satisfaction of the Chief of Police and the Planning and Building Director.
7. The applicants shall coordinate with the Public Works Department to ensure that all components of the Project complies with city regulations, including but not limited to, urban runoff standards, sewer testing and maintenance, garbage disposal requirements, integrated waste requirements, and improvements affecting the public right-of-way, to the satisfaction of the Public Works Director and the Planning and Building Director.
8. If changes to the approved landscaping plan along Buena Vista Avenue are necessary, the applicants shall coordinate with the Public Works Department on the review and implementation of the changes.
9. Damage to the sidewalks and pavement in the public right-of-way caused by and related to the Project improvements shall be repaired and replaced by the applicants, to the satisfaction of the Public Works Director.
10. Prior to issuance of Building Permits for the Project, the applicants shall submit a Construction-Phasing Plan, subject to the approval of the Public Works Director and the Planning and Building Director.
11. Demolition and construction within the City of Alameda are subject to the Construction and Demolition Debris Ordinance (Section 21-24-1). The Alameda Municipal Code states that all construction and debris within the City shall be collected and transported through the streets of the City by franchise or permitted hauler (Section 21-20-3).
12. Integrated waste is to be diverted from landfills or transformation facilities through source reduction, recycling, and organic materials collection activities. The owner or occupant of any premise is to subscribe to and pay for all integrated waste collection with the City's franchisee, for integrated waste collection services (Subsection 21-2-1).
13. The City of Alameda requires that collection of integrated waste from residential areas, regardless of collection receptacle, cart, bin or compactor, be collected a minimum of one time per week (per State of California Public Resources Code (40000 et seq.)).
14. Compactor Monitoring. Compactor size is limited to 10 to 50 cubic yards per the City's Franchise Agreement and sized to handle the waste generated at a minimum of once a week service with a legal gross weight of no more than 10 tons. An Integrated Waste Disposal Plan that includes the use of a compactor shall be approved by the Public Works Director prior to Certificate of Occupancy. The Plan is to be based upon the development's full capacity and a monitoring and evaluation program, with monitoring and evaluation criteria approved by the City, implemented for a minimum of six (6) months after full capacity has been reached. If the monitoring program demonstrates the Integrated Waste Disposal Plan does not meet the City standards, the City shall require a revised and approved Integrated Waste Disposal Plan be implemented within one month's

notice, or the City shall have the right to implement the City's Program if, in its sole discretion, the proposed program is not or has not achieved the City's program goals and objectives.

15. Use of Trash Removal Train System. Trash removal train system must be covered, have watertight bodies designed to prevent leakage, spillage or overflow water tight and meet or exceed all requirements of the State Regional Water Quality Board and Bay Area Air Quality Management District. Failure to comply with State requirements may result in prohibition of train use.
16. Construction noise shall be minimized by restricting construction activities to the daytime hours specified by the Alameda Municipal Code. The current provisions limit construction to Monday through Friday, between 7 a.m. and 7 p.m., and on Saturday between 8 a.m. and 5 p.m., with no Sunday construction.
17. The proposed garages shall be used exclusively for vehicular parking only, with the exception of four garage spaces in Garage A, depicted on Sheets A0.50 and A02.18, which may be designated for site maintenance activities, equipment, and vehicles.
18. Final plans submitted for Building Permits for the Project shall include a window schedule that specifies the proposed window material, size, type of opening as well as include a section detail of the window, to the satisfaction of the Planning and Building Director.
19. Prior to issuance of Building Permits for the Project, the applicants shall sign and record with the County Recorder's office a Landscape and Common Area Maintenance Agreement with the City.
20. Prior to issuance of Building Permits for the Project, the applicants shall provide a Detailed Landscaping Plan that is consistent with the approved plans referred to in Condition #1 to identify the specific locations of all trees, shrubs, groundcover, and pedestrian pathways on the site. The Detailed Landscaping Plan may include a phasing strategy to accommodate Project construction, subject to the approval of the Planning and Building Director. The Detailed Landscaping Plan shall also include details of the irrigation system to demonstrate compliance with the Water Conservation requirements of AMC Subsection 30-59.3.
21. Landscaping according to the approved Detailed Landscaping Plan referenced in Condition #20 shall be completely installed prior to Final Design Review Inspection of the final phase according to the approved Construction-Phasing Plan. Alternatively, the applicant may provide appropriate bonding security at 125% of the cost of installation of the approved landscaping to ensure that the landscaping will be installed.
22. The applicants shall coordinate with the City during the implementation of the West Alameda Neighborhood Improvement Plan and related improvements when the Plan is adopted and implemented by the City.
23. All Time and Material charges for this application shall be paid in full prior to issuance of Building Permits for the Project.
24. Any new signage for the site shall be subject to a separate Sign Permit review and approval;

signage for site traffic shall be subject to the approval of the Public Works Director.

25. Prior to issuance of Building Permits for the Project, the applicants shall coordinate with the Recreation and Parks Director and Planning and Building Director on the payment of the Public Art Fee for the proposed Community Center and to ensure compliance with AMC Subsection 30-65.
26. VESTING. The Design Review and Planned Development approval shall expire one (1) year after the date of approval or by **February 28, 2006**, unless actual construction of the Project has begun within that time or, alternatively, an extension request is filed and approved by the Planning Board prior to the date of expiration.
27. HOLD HARMLESS. The City of Alameda requires as a condition of this approval that the applicant, or its successors in interest, defend, indemnify, and hold harmless the City of Alameda or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City concerning the subject property, which action is brought within the time period provided for in Government Code Section 65009(c). The City of Alameda shall cooperate promptly, notify the applicant of any claim, action or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or the City fails to cooperate fully in the defense, the applicant shall not hereafter be responsible to defend, indemnify, or hold harmless the City.
28. ACKNOWLEDGMENT OF CONDITIONS. The applicant shall acknowledge in writing all of the conditions of approval and must accept this permit subject to those conditions and with full awareness of the applicable provisions of Chapter 30 of the Alameda Municipal Code in order for this approval to be exercised.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE. The Conditions of Project Approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. You are hereby further notified that the 90-day appeal period in which you may protest these fees and other exactions, pursuant to Government Code Section 66020(a) has begun. If you fail to file a protest within this 90-day period complying with all the requirements of Section 66020, you will be legally barred from later challenging such fees or exactions.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

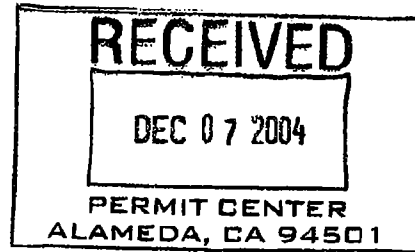
\*\*\*\*\*

**CITY OF ALAMEDA  
MEMORANDUM**

Date: December 7, 2004

To: Allan Tai  
City Of Alameda Planner

Fm: Officer Paul Hischer #84  
C.O.P.P.S. Unit



Re: Harbor Island Apartments Renovation, Permit #DR04-0113

After reviewing the proposed plans for the Harbor Island Apartment's renovation project, permit #DR04-0113, the Police Department has the following crime prevention recommendations.

Security Measures:

- The main office at 433 Buena Vista Ave. should be equipped with an alarm system which covers the interior office area, perimeter doors and windows. The alarm should be installed and monitored by a reputable alarm company.

Addressing:

- All buildings should have address numbers on multiple sides. The address numbers should be illuminated from dusk until dawn and be positioned in such a way as to be easily readable from the street and parking lot. Numbers should be a minimum of 16 inches in height and in contrasting color to the building.
- All exterior doors should have the building address on them with numbers in contrasting color. The numbers should have a minimum height of 6 inches.

Lighting:

- Exterior lighting should be positioned in such a way as to illuminate all areas of the common grounds and parking lots. The lighting should be sufficient enough to provide clear facial recognition and good color rendition within 25 feet. This should make any person clearly visible on or about the premises during the hours of darkness. It will also provide a safe, secure environment for all persons, property, and vehicles on site.

Attachment #3



- All exterior doors should have their own light source, which will adequately illuminate the presence of persons on or about the premises.
- Any monument signs identifying the property should have their own light source.

#### Landscaping

- Landscaping should be of the type and situated in locations to maximize observation while providing the desired degree of aesthetics. Security planting materials are encouraged along fence and property lines and under vulnerable windows.
- Planters and shrubs should be trimmed to a maximum height of 42 inches.
- Tree canopy heights should be trimmed to a minimum height of 7 feet, to provide better surveillance from the street and parking lot.

#### Outside Furniture:

- All outside furniture around the common areas or the property, which cannot be brought in at night, should be secured to the ground to prevent it from being stolen or used to vandalize other property.

#### Signage/Parking lots

- "No Trespassing/Loitering" signs should be posted at the entrances of parking lots and anywhere the public can walk onto the property.
- All entrances to parking areas should be posted with appropriate signs, to assist in removal of vehicles at the property owner's request.
- Parking spaces should be clearly marked.

I would like to see the plans for the security measures for the exterior doors for each building. It is vital that officers have easy access to the building when responding to calls for service.

If you have any question, please feel free to contact me at 337-8305.

PJH



## City of Alameda • California

December 10, 2004

Chris Auxier  
Alameda Multifamily Ventures, LLC.  
1680 Michigan Avenue, 8<sup>th</sup> Floor  
Miami Beach, FL 33139

RE: Letter of Completeness for Planned Development Application PD04-0004 and Design Review DR04-0113 at Harbor Island Apartments

Dear Mr. Auxier,

The Planning and Building Department has reviewed your application and related materials submitted on November 12, 2004. The purpose of this letter is to notify you that your application has been found to be complete, in accordance with California Government Code Section 65943. This means that you have submitted all materials required for the Planning and Building Department to continue to process your application.

### Project Comments

Attached to this letter are comments from various City departments that identify the issues related to our review of the current plans. Items that will be required as conditions of approval and issues that will be forthcoming during the building permit process are also provided.

### Current Issues:

During our review of your plans, we have identified the following revisions necessary for us to determine compliance with City requirements. If you choose not to incorporate these revisions at this time, they will be included as conditions of approval and will be required prior to building permit approval.

1. The landscape strip between the sidewalk and the existing parking on Poggi Street appears wider than the existing condition. Please revise your plans to ensure that the parking spaces encroach no further into the street than the existing conditions. (See Public Works comments #1A.)
2. Please revise your plans to include a legend of symbols that distinguish between the various accessory structures on the site. In particular, the legend should identify existing and proposed trash enclosures, utility buildings, and other structures.
3. Please revise your plans to clarify the number of existing parking spaces in the satellite parking lot in front of the proposed community center and the number of new parking spaces that will be created.
4. Current plans show a new/reconstructed trash compactor and trash storage area located at the northeast corner of the property. Due to its proximity to the adjacent residential development, we ask that these structures be located away from neighboring residences.

Planning & Building Department  
2263 Santa Clara Avenue, Room 190  
Alameda, California 94501-4477  
510.747.6850 • Fax 510.747.6853 • TDD 510.522.7538

Attachment #4

If this cannot be accomplished, please demonstrate the measures you will take to minimize noise and odor impacts.

5. The completion of an Impervious Surface Form will be required. This form is required by the Public Works Department and is attached to this letter.

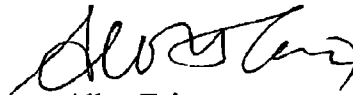
Conditions of Approval items:

1. Requirements pertaining to landscaping including, but not limited to location, irrigation, and maintenance, will be addressed as conditions of approval. These issues are listed in the attached Public Works comments #2, 7, 11, and Police Dept. comments under subheading "Landscaping." The recordation of a Landscape Maintenance Agreement will also be required.
2. The testing of sewers and storm drains. (See Public Works comments # 3 & 4)
3. Site traffic signage (See Public Works comments # 5)
4. Compliance with all required water quality, stormwater treatment, and other environmental protection practices. (See Public Works comments # 12-22)
5. Bicycle racks and lockers are required at the rate of one per ten parking spaces pursuant to the Alameda Municipal Code (Also see Public Works comments # 23).
6. Provide the City any necessary utility and access easements to all electrical utility facilities on site. (See AP&T comments #3)
7. Exterior lighting design and placement shall be in accordance with Police Dept. crime prevention recommendations (See PD comments under subheading "Lighting"), and in compliance with parking illumination requirements specified in AMC Subsection 30-7.17 *Illumination of Parking Areas*.

All remaining comments attached are items that will be reviewed for compliance during the building permit process.

The above City comments are provided in response to the review of the project plans submitted on November 12, 2004; additional comments may be forthcoming after the December 13<sup>th</sup> Planning Board Study Session. Please contact me at 510.747.6888 if you have any questions about matters discussed in this letter. Thank you.

Sincerely,



Allen Tai  
Planner II

Attachments:

1. Impervious Surface Form
2. Public Works Department comments dated Dec. 7, 2004
3. AP&T comments dated Dec. 7, 2004
4. Alameda Police Department comments dated Dec. 7, 2004
5. Alameda Fire Department comments dated Dec. 6, 2004
6. AMC Subsection 30-7.17 *Illumination of Parking Areas*

CC: David Blackwell, Three Embarcadero Center, 12<sup>th</sup> Floor, San Francisco, CA 94111  
Cory Creath, Axis Architecture, 735 Montgomery Street, San Francisco, CA 94111  
Greg Fuz, Planning and Building Director  
Jerry Cormack, Development Review Manager  
Carol Beaver, Community Development Manager  
Barbara Hawkins, Public Works Department  
Greg McFann, Building Official  
Suzanne Ota, Recreation and Parks Director

G:\PLANNING\CURRCORR\88\2004\BuenaVista433\_PD04-0004\_DR04-0113\BuenaVista433\_PD04-0004\_DR04-0113com.doc

**CITY OF ALAMEDA**  
**Development Application Information:**  
**Impervious Surface Form**

**\*For projects on lots/parcels/tracts having an area of 10,000 square feet or greater\***

**What is this form all about?**

Urban development has the potential to increase the pollutant load carried by storm water runoff to receiving waters such as San Francisco Bay. Natural vegetated soil can both absorb rainwater and remove pollutants, providing an effective natural purification process. However, since pavement and concrete cannot typically absorb water or remove pollutants, the natural purification characteristics of the land are reduced or lost in the development process. As a provision of the City of Alameda (City)'s municipal storm water discharge permit with the State of California<sup>1</sup>, the City requires development projects to include site planning and design techniques to prevent and minimize impacts to water quality. Minimizing development project impervious surfaces is one important technique for protecting water quality. The use of this form encourages project developers to incorporate such site planning and design techniques at the earliest development application stage. Contact City Clean Water Program (CWP) staff at (510) 749-5840 with any questions regarding the accurate completion of this form. Incorrect impervious surface area calculations may delay project application review and/or issuance of permit(s).

**Do I need to fill out this form for my proposed project?**

- 1) Does the proposed project consist of or involve only one single-family home that is not part of a larger common plan of development?  
If your answer is Yes, STOP; you do not need to complete the Impervious Surface Form.  
If your answer is No, Go to 2).
- 2) Is the proposed project on a lot (or parcel/tract) greater than or equal to 10,000 square feet?  
If your answer is Yes, Go to 3).  
If your answer is No, STOP; you do not need to complete the Impervious Surface Form.
- 3) Will the proposed project create or replace any impervious surfaces (see definition below)?  
If your answer is Yes, complete the Impervious Surface Form.  
If your answer is No, STOP; you do not need to complete the Impervious Surface Form.

**Important Definitions:**

Impervious - Not porous or permeable to fluids.

Impervious surface area - Hard surfaced area (such as a rooftop, paved driveway or parking area, paved walkway or deck) that either prevents or severely restricts the entry of water into the soil or causes increased stormwater runoff.

**Directions for filling out this form:**

Section One – *General Project Information*

Please provide all relevant project description information.

Section Two – *Table: Impervious Surface Area/Accuracy Verification*

For both the pre-project condition and the project's proposed post-improvement condition, indicate, in units of square feet, the total impervious surface area for each of the surface types listed in left-hand column of the table. If any of the impervious surface types are not applicable to the project location, please indicate (i.e., NA). Account for all impervious surface at the project location. In the last row of the table, indicate, in units of square feet, the project location's total impervious surface area for both the pre-project condition and the project's proposed improvements. These pre- and post-project totals should indicate the proposed net increase or decrease in the total impervious surface of the project location. Sign and date the form.

**Form Submittal (Questions? Call City CWP staff at (510) 749-5840):**

City of Alameda Public Works Department, Attn: Clean Water Program staff,  
950 West Mall Square, Room 110, Alameda, CA 94501

<sup>1</sup> California Regional Water Quality Control Board San Francisco Bay Region Alameda Countywide National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit Order R2-2002-0021; NPDES Permit No. CAS0029831.

**CITY OF ALAMEDA**  
Development Application Information:  
Impervious Surface Form

**Section One – General Project Information**

Date of Application: \_\_\_\_\_

Type of application: ☐ parcel/tentative/vesting/tract map ☐ design review ☐ preliminary plan

Project Location or Address: \_\_\_\_\_

Project Name (if applicable) \_\_\_\_\_

Type of Project:

☐ Commercial ☐ Industrial ☐ Residential ☐ Public Agency

Property Owner's Name: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_

☐ Owner ☐ Contractor ☐ Engineer/Architect ☐ Developer

Applicant's Address: \_\_\_\_\_

Applicant's Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

Parcel/Tract No.: \_\_\_\_\_ Lot No.: \_\_\_\_\_ APN # \_\_\_\_\_

Total Lot (or Parcel/Tract) Area (in square feet) \_\_\_\_\_

**Section Two – Table: Impervious Surface Area/Accuracy Verification**

Type of Impervious Surface	Pre-Project Condition in Sq.Ft. (If Applicable)	Proposed Project Improvements in Sq.Ft.
Building(s) Footprint (Including Attached Garage)		
Driveway(s), Patio(s), Parking Lot(s), Impervious Decking(s), Walkway(s)		
Detached Garage(s), Carport(s), Shed(s), Other Misc. Structures		
Off-lot Impervious Surface (Streets, Sidewalks)		
<b>Total Impervious Surface in Square Feet</b>		

Proposed project creates or replaces total impervious surface over: ☐ 43,560 sq. ft. ☐ 10,000 sq. ft.

I declare under penalty of perjury, that to the best of my knowledge, the square footage presented herein is accurate and complete. Incorrect impervious area calculations may delay your project application review(s) and/or permit(s).

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

**CITY OF ALAMEDA**

**MEMORANDUM**

Date: December 7, 2004

To: Allen Tai  
Planning Department

From: Ed Sommerauer  
Public Works Department

Re: Application No. DR04-0113  
Job Address: 433 Buena Vista Avenue – Harbor Island Apartments

**The following comments are advisory and are provided as a supplement letter and should be addressed as indicated:**

**Currently needed:**

1. The project applicant must submit a completed Impervious Surface Form to the City's Public Works Department (PWD). Included with the form the applicant shall also include the existing impervious surface area, existing pervious surface area, proposed impervious surface area to be replace existing pervious surface area, proposed pervious surface area to replace existing pervious surface area. A copy of the form is attached. Contact City PWD Clean Water Program Specialist Jim Barse, telephone 510-749-5857, with questions regarding this form.
- 1A. Poggi Street improvements: Carports along Poggi will be removed and replaced by new perpendicular parking spaces, planter strip and sidewalk. The parking spaces are located within the City right-of-way and may prohibit safe and adequate vehicular backup areas. The Public Works Department was not contacted by the applicant for discussion.

**Later stages of project plan submittal or during construction phase:**

2. Street tree species along Buena Vista shall be to the approval of the Public Works Superintendent and Planning Director. Entry columns and street tree locations should allow for proper sight distance.

3. In order to minimize the amount infiltration and inflow of ground water into the City's sanitary sewer system, which takes away sewer pipe capacity, existing sewer mains shall be televised and smoke tested, and/or shall be replaced or rehabilitated to the satisfaction of the City Engineer if found not acceptable. City standard two-way cleanout(s) shall be provide at the property line for all sewer lateral(s).
4. To ensure storm drains are functional and not creating flooding conditions due to settlement or deterioration, existing storm system shall be televised and smoke tested, and shall be replaced or rehabilitated to the satisfaction of the City Engineer if found not acceptable.
5. Site traffic signing shall be to the approval of the City Engineer.
6. Tree clearances from utilities shall be as follow: a) Fire hydrant – 6 feet; b) top of driveway wing – 5'; c) stop signs – 15'; d) street/pathway lights and utility poles – 25'; e) storm drain, sanitary mains, gas, water, telephone, electrical lines – 5'; f) front of electrical pad-mounted equipment – 10'. Verify minimum clearance distances of street trees/shrubs from electrical transformers with City of Alameda Power and Telecom (AP&T 510-748-3989).
7. Improvement plans, landscape and irrigation plans shall be to the approval of the City Engineer. Applicant shall reimburse Public Works Department costs associated with review time, including construction inspection and administration.
8. Construction phasing: Public street parking is limited and a construction-phasing sequence shall be provided to determine what, if any, impacts the proposed renovation project will have on adjacent street and on-site parking. These include a construction schedule outlining when it will be necessary to block or close off on street parking as a result of construction.
9. In efforts to minimize directly connected impervious surface areas, designs shall ensure that roof leader/runoff flows are directed away from both impervious surfaces and a direct discharge to the storm drain system. Roof runoff should be directed to landscaped areas to the maximum extent practicable.
10. In efforts to minimize directly connected impervious surface areas, the runoff from pavement areas should be directed to landscaped



areas, bioswales, or other treatment measures to the maximum extent practicable.

11. Landscape plans should ensure that all landscaping is designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to storm water pollution. As appropriate, integrated pest management (IPM) principles and techniques shall be incorporated into the landscaping design. Where feasible, landscaping shall be designed and operated to treat storm water runoff by incorporating elements that collect, detain and infiltrate runoff.
12. Trash enclosures and/or recycling areas shall be roofed and/or enclosed. These areas shall be designed to prevent water run-on to the area and runoff from the area and to contain litter and trash and pollutants, so that these materials are not dispersed by the wind or discharged to the storm drain system.
13. If the total disturbed area for the project is greater than one acre, the applicant must submit a Notice of Intent (NOI) form to the California State Water Resources Control Board (SWRCB), indicating the intent to comply with all requirements of the SWRCB Construction Activity Storm Water NPDES General Permit (Permit).
14. In compliance with the NOI submittal to the SWRCB, the applicant (or its designate) shall prepare and implement a thorough Storm Water Pollution Prevention Plan (SWPPP) document to ensure appropriate protection of storm water quality during the project's construction activities. Information regarding the NOI, the Permit and the SWPPP is available at the SWRCB's Construction Storm Water Program webpage at:  
<http://www.swrcb.ca.gov/stormwtr/construction.html>
15. The applicant (or its designate) shall submit to the City's Public Works Department (PWD) a copy of the completed project NOI and SWPPP documents, as required for preparation by the SWRCB, with sufficient time for both document review by the PWD and any necessary corrections/modifications to the SWPPP by the applicant (or its designate) prior to commencement of any soil-disturbing activity.
16. Depending upon C3 requirements, Item #5 above, an operation and maintenance (O&M) agreement and O&M plan for all post-construction (permanent) stormwater treatment controls shall be prepared and submitted to the City for approval. The O&M plan

shall include: treatment type, location(s) of treatment measures, maintenance requirements, maintenance schedule, assurances of party responsible for O&M, and assurances of access to inspect and verify treatment system O&M for the life of the project. Contact City PWD Clean Water Program Specialist Jim Barse, telephone 510-749-5857, for helpful O&M plan template documents and for additional details regarding the O&M agreement.

17. The developer is responsible for ensuring that all contractors and sub-contractors shall, during all construction activities, comply with the SWPPP elements, the City of Alameda's Urban Runoff Standard Conditions of Approval and the Best Management Practices (BMPs) for construction activities indicated in the Alameda Countywide Clean Water Program brochures during all construction activities. Contact City PWD Clean Water Program Specialist Jim Barse, telephone 510-749-5857, for copies of these reference documents. Urban runoff BMPs documents may also be obtained from the City's Central Permits Office.
18. Storm drain inlets shall be clearly marked with the words "No Dumping! Drains to Bay," or equivalent, using methods approved by the City of Alameda's PWD.
19. Plan sheets prepared for the construction phase shall indicate the specifications for the installation and upkeep of the erosion control mechanisms as described in the project SWPPP. Specifications shall be provided for the perimeter protection(s), any silt fencing and fiber rolls used, the storm drain inlet protections, the stabilized construction entrance(s) and exits and vehicle tire wash area(s), the vehicle and equipment servicing area(s) and the materials handling and storage area(s). These specifications should meet the same level of erosion and sediment control effectiveness identified for erosion and sediment control practices established in the San Francisco Bay Regional Water Quality Control Board's Erosion and Sediment Control Field Manual (510-622-2465) and the California Stormwater Quality Association's Stormwater Best Management Practice Handbook – Construction ([www.cabmphandbooks.com](http://www.cabmphandbooks.com)). Contact City PWD Clean Water Program Specialist Jim Barse, telephone 510-749-5857, for additional assistance in obtaining copies of these reference documents.
20. For additional information or questions regarding urban runoff contact Jim Barse, Program Specialist, Environmental Services Division, (510)749-5857.

21. Management of waste and recycling during construction and post construction shall be in accordance with the City's Environmental Services Division standard conditions of approval.
22. For additional information or questions regarding waste management and recycling functions, standard conditions of approval, contact Maria DiMeglio, Program Specialist, Environmental Services Division, (510)749-5893.
23. Bicycle parking racks shall be placed at the community center.
24. For additional information or questions regarding Transportation System Management contact Michael Margulies, Public Works Program Specialist, (510) 749-5860.

Additional comments may be forthcoming on subsequent project submittals.

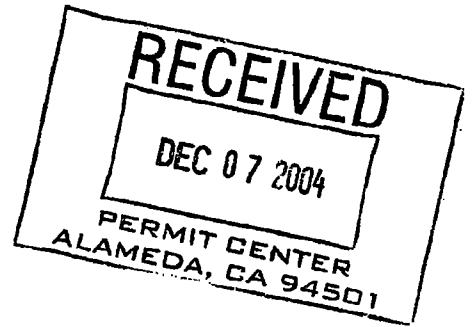
**Attachments:**

City of Alameda - Impervious Surface Form



**ALAMEDA  
POWER & TELECOM**

*A Department of the City of Alameda*



To: Central Permits Office  
From: Alameda Power & Telecom  
Date: December 03, 2004  
Subject: Permit Application No.: DR04-0113  
Address: 433 Buena Vista Ave.  
Project Description: Harbor Island-Major Design Review  
Owner: Alameda Multi Family Ventures, LLC.

---

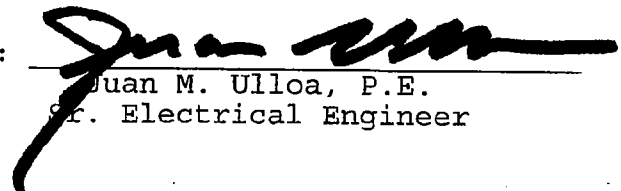
Alameda Power & Telecom (Alameda P&T) has reviewed the above permit application and has the following conditions/comments:

1. Alameda P&T has existing underground and overhead electrical facilities in the area that are old and will need to be upgraded to meet current Alameda P&T's Rules and Regulations and Material and Installation Criteria for Underground Systems.
2. The owner/developer's electrical consultant shall coordinate power requirements with Alameda P&T. Failure to do so may delay project implementation.
3. The owner/developer shall provide, at no charge to Alameda P&T, easements and access to all electrical utility facilities that are in the private property. At a minimum, a draft easement shall be submitted before any service could be energized.
4. Developer's contractor shall obtain an electrical permit from the City's Building Services Department. Electrical installation must be approved by the City's Combination Inspector before any service could be energized.
5. Streetlight system on public streets shall be subject to Alameda P&T's review and approval. Developer may enter into an agreement with Alameda P&T regarding maintenance and future replacement of private streetlights.
6. The owner/developer or his/her electrical consultant shall submit to Alameda P&T two sets of approved drawings showing the required electric utility facilities.
7. Alameda P&T now provides Cable TV and Internet services to Alameda customers. Please contact Alameda P&T Telecommunications Marketing Coordinator, John Oldham, at (510)-748-3944 for inquiries.

Application No.: DR04-0113  
Page 2 of 2

If you have any questions, please call me at (510)-748-3996 or Cris Banaban, Engineering Manager, at (510)-748-3987.

By:

A handwritten signature in black ink, appearing to read 'Juan M. Ulloa', written over a horizontal line.

Juan M. Ulloa, P.E.  
Sr. Electrical Engineer

cc: C.Banaban  
K.Singh  
A.Canafe

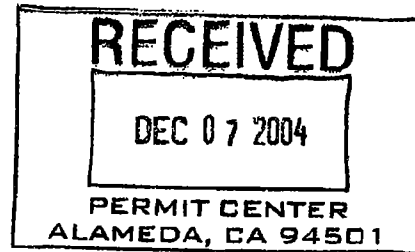
JU:plan review.plg

**CITY OF ALAMEDA  
MEMORANDUM**

Date: December 7, 2004

To: Allan Tai  
City Of Alameda Planner

Fm: Officer Paul Hischer #84  
C.O.P.P.S. Unit



Re: Harbor Island Apartments Renovation, Permit #DR04-0113

After reviewing the proposed plans for the Harbor Island Apartment's renovation project, permit #DR04-0113, the Police Department has the following crime prevention recommendations.

Security Measures:

- The main office at 433 Buena Vista Ave. should be equipped with an alarm system which covers the interior office area, perimeter doors and windows. The alarm should be installed and monitored by a reputable alarm company.

Addressing:

- All buildings should have address numbers on multiple sides. The address numbers should be illuminated from dusk until dawn and be positioned in such a way as to be easily readable from the street and parking lot. Numbers should be a minimum of 16 inches in height and in contrasting color to the building.
- All exterior doors should have the building address on them with numbers in contrasting color. The numbers should have a minimum height of 6 inches.

Lighting:

- Exterior lighting should be positioned in such a way as to illuminate all areas of the common grounds and parking lots. The lighting should be sufficient enough to provide clear facial recognition and good color rendition within 25 feet. This should make any person clearly visible on or about the premises during the hours of darkness. It will also provide a safe, secure environment for all persons, property, and vehicles on site.

- All exterior doors should have their own light source, which will adequately illuminate the presence of persons on or about the premises.
- Any monument signs identifying the property should have their own light source.

#### Landscaping

- Landscaping should be of the type and situated in locations to maximize observation while providing the desired degree of aesthetics. Security planting materials are encouraged along fence and property lines and under vulnerable windows.
- Planters and shrubs should be trimmed to a maximum height of 42 inches.
- Tree canopy heights should be trimmed to a minimum height of 7 feet, to provide better surveillance from the street and parking lot.

#### Outside Furniture:

- All outside furniture around the common areas or the property, which cannot be brought in at night, should be secured to the ground to prevent it from being stolen or used to vandalize other property.

#### Signage/Parking lots

- "No Trespassing/Loitering" signs should be posted at the entrances of parking lots and anywhere the public can walk onto the property.
- All entrances to parking areas should be posted with appropriate signs, to assist in removal of vehicles at the property owner's request.
- Parking spaces should be clearly marked.


I would like to see the plans for the security measures for the exterior doors for each building. It is vital that officers have easy access to the building when responding to calls for service.

If you have any question, please feel free to contact me at 337-8305.

PJH

**City of Alameda**  
**Inter-Department Memorandum**

**To:** Allen Tai, Planner II

**From:** Captain Ken Rankin 

**Date:** December 6, 2004

**Re:** DR04-0113  
433 Buena Vista Avenue / Harbor Island Apartments

- 1 This entire project will require an automatic fire sprinkler system as prescribed by City Ordinance, Chapter 13-2, section 904.1.1. The new 2-story, approximately 6,000 square feet clubhouse and the 4 single-story garage structures are considered as part of the overall project.
- 2 This project will require a fire alarm system in accordance with the Ca. Fire Code 2001, Section 1006.2.9, and the Ca. Building Code 2001.
- 3 Other life safety issues such as fire extinguisher locations, fire rated doors, etc. to be determined.
- 3 The new elevator for the Clubhouse shall meet the requirements as prescribed in the 2001 CBC, section 3003.5 (stretcher requirements).

If you require any further assistance or clarification, please call me at 510 337-2123.



which include but are not limited to changes in the number of handicapped parking spaces that are required for specific non-residential uses. (Ord. No. 535 N.S. § 11-14C14; Ord. No. 1277 N.S.; Ord. No. 2375 N.S.; Ord. 2920 N.S. § 21)

### **30-7.13 Reductions in Parking Requirements.**

The schedule of required minimum off-street parking provided by subsection 30-7.6 may be reduced, upon approval of the Planning Board, if the applicant can demonstrate that parking demand will be reduced for the life of the project through one (1) or more of the following methods:

a. Transportation systems management techniques such as employee subsidies for public transit, employee subsidies for car and van pools, employer sponsored and organized car and van pools, free transit passes for shoppers in retail project, etc. To qualify for a parking reduction, the applicant must enter into an agreement with the City which includes monitoring and enforcement provisions as approved by the Planning Board.

b. Improvement of bus stops, including providing bus shelters, benches, turnout areas, etc.

c. Payment to the City of in lieu fees, equal to the current estimated per square foot value of the land, multiplied by the difference between the number of required and provided parking spaces, multiplied by two hundred fifty (250). In lieu fees shall only be allowed where the City can identify appropriate uses for the funds reasonably related to the project. Appropriate uses shall include but not be limited to acquisition of land for parking, construction of new parking facilities, improvements to existing off-street or on-street parking facilities including landscaping, installation of bicycle lanes and paths, and installation of bicycle racks and lockers. Funds raised by in lieu payments shall not be used for routine maintenance. (Ord. No. 535 N.S. § 11-14C12; Ord. No. 1277 N.S.; Ord. No. 2375 N.S.)

### **30-7.14 Off-Street Loading Space.**

Every nonresidential building hereafter erected, except off-ice buildings, shall have one (1) permanently maintained loading space of not less than ten (10') feet width, forty (40') feet length and fourteen (14') feet vertical clearance for each such building

in excess of twelve thousand five hundred (12,500) square feet, unless exempted by the Planning Director. (Ord. No. 535 N.S. § 11-14C11; Ord. No. 1277 N.S.; Ord. No. 2375 N.S.)

### **30-7.15 Bicycle, Motorcycle and Pedestrian Facilities.**

a. Secure bicycle racks and/or storage lockers shall be provided wherever parking is required, at the rate of one (1) space for every ten (10) spaces.

b. Pedestrian walkways which cross nonresidential parking or driveway areas shall be clearly marked through the use of enhanced paving materials such as brick, baumanite, or interlocking pavers.

c. Parking lots shall have substantially separate pedestrian and automobile circulation systems, to the maximum extent feasible, as determined through design review. (Ord. No. 535 N.S. § 11-14C13; Ord. No. 1277 N.S.; Ord. No. 2375 N.S.)

### **30-7.16 Surface Improvements of Parking Areas.**

a. All required parking areas and access driveways shall have a smoothly graded, stabilized, all weather and dustless surface with adequate drainage so that injury will not be caused to adjacent properties, nor will such water drain across a public walk. Appropriate bumper guards or curbs shall be provided, where needed, in order to define parking spaces or limits of paved areas. (Ord. No. 535 N.S. § 11-14C9; Ord. No. 1277 N.S.; Ord. No. 2375 N.S.)

### **30-7.17 Illumination of Parking Areas.**

a. Parking areas shall be adequately illuminated whenever necessary to protect the public safety, subject to the regulations in subsections b., c. and d. below:

b. The illumination of parking areas shall be so designed and located that light sources are shielded from adjoining properties and shall not cause a glare hazardous to pedestrians or auto drivers. All light fixtures in residential zones, or on parcels adjacent to any residential use, shall be limited to "full cut-off" type illumination, or as approved by the Planning and Building Director.

c. The maximum height of any parking lot light standard is twenty-five (25') feet, unless a use per-

mit to allow a height in excess of twenty-five (25') feet is approved by the Planning Board.

d. The ground level illumination shall not exceed a minimum standard of two (2) footcandles, with a ratio no greater than fifteen to one (15 to 1) between the highest and lowest areas of illumination. In a residential zone, or on a parcel adjacent to any residential use, the permitted minimum standard is reduced to one-half (1/2) footcandles. Any proposal for parking lot lighting that would provide illumination at ground level in excess of the above standards is subject to approval of a Use Permit by the Planning Board. (Ord. No. 535 N.S. § 11-14C10; Ord. No. 1277 N.S.; Ord. No. 2375 N.S.; Ord. 2920 N.S. § 23)

#### **30-7.18 Use and Extension of Non-Conforming Driveways and Perimeter Landscaping.**

Existing residential driveways that are non-conforming to the minimum widths prescribed by subsection 30-7.9.f.1., and/or the minimum perimeter landscaping prescribed by subsection 30-10.a.3., may remain and may be extended with the existing non-conforming dimensions at such time the property is further improved with small scale development, which includes but is not limited to additions to existing single family uses or the construction of an additional dwelling, subject to the approval of the Planning & Building and Public Works Directors. (Ord. 2920 N.S. § 24)

#### **30-7.19. Adjustments for Senior and Affordable Housing Developments.**

Notwithstanding the minimum required parking space requirements prescribed in Section 30-7.6, developments providing housing for residents that have a lesser dependence on personal vehicles may be allowed to reduce such off-street parking requirements at the time such projects are given Design Review, Use Permit and/or Planned Development approvals. Such projects may include, but are not limited to senior housing and housing deemed affordable to those with low to moderate incomes, as defined by the applicable City and Federal HUD requirements. As part of any request to reduce off-street parking requirements, the applicant(s) of the subject housing developments shall provide parking

and traffic study(s) as deemed necessary to document the reduced need for off-street parking. (Ord. 2920 N.S. § 24)

### **30-8 CONVERSION TO MULTIPLE HOUSES.**

#### **30-8.1 General.**

The conversion of any structure to a multiple house shall conform to the provisions of this section. No converted unit may be occupied until an occupancy permit has been issued by the Building Official. The Building Official shall issue an occupancy permit for buildings which have been converted in accordance with the provisions of this section and Article I of this chapter. (Ord. No. 535 N.S. § 11-14D1; Ord. No. 1277 N.S.)

#### **30-8.2 Permitted Conversions.**

The conversion of an existing residential unit or units to multiple family dwelling units is permitted when the conversion meets the requirements of.

- a. The zoning regulations;
- b. All current State and local structural, safety and utility codes;
- c. Design Review;

**CITY OF ALAMEDA  
PLANNING AND BUILDING DEPARTMENT**

**STAFF REPORT**

**ITEM NO.:** **8-A**

**APPLICATION:** **PD04-0004/DR04-0113 Alameda Multifamily Ventures, LLC – 433 Buena Vista Avenue** - A study session to provide the Planning Board and the public an opportunity to comment on the proposed modifications to the Harbor Island Apartments. The proposal includes construction of a new 6,000 square foot community center and four detached sixteen-car garages, exterior modifications to existing apartment buildings, and other site modifications. The site is located at 433 Buena Vista Avenue within the R-4 PD, Neighborhood Residential Planned Development Zoning District.

**GENERAL PLAN:** Medium Density Residential

**STAFF PLANNER:** Allen Tai, Planner II

**RECOMMENDATION:** Accept comments: no action required.

**ACRONYMS:** AMC –Alameda Municipal Code  
PD– Planned Development  
CEQA – California Environmental Quality Act

**ATTACHMENTS:**

1. Project Plans
2. Staff correspondence dated October 7, 2004
3. Applicant's correspondence received October 18, 2004
4. Staff correspondence dated October 22, 2004

---

**I. PROPOSAL SUMMARY/BACKGROUND**

**A. Proposal Summary**

The proposed project includes the construction of an approximately 6,000 square-foot community center and four detached garage structures, exterior modifications to existing buildings, and other site improvements. The proposed community center is a two-story structure located in the center of the site near an existing swimming pool. The community center will house several administrative/leasing offices on the first floor and a community room and fitness center on the second floor. The existing carports on the north side of the property will be

removed to accommodate four garages. The 3,700 square foot garages will accommodate sixteen cars each and will be designated for tenant parking, with the exception of a portion of one garage, which will be reserved for maintenance vehicles. The proposed modifications to the existing apartment buildings include items such as trim, new columns and railings, replacement windows, roof trellises, and other new exterior details designed to give the buildings a more contemporary upgraded appearance. Existing utility buildings, carports and trash enclosures will also be redesigned under the new design scheme. Other site improvements include new landscaping throughout the complex, new fencing material around the site, and entry pylons at designated site entrances; the entrances will not be gated. The following lists the specific components of the scope of work on the exterior:

- Construct two-story 6,000 s.f. community center. The proposed Community Center includes five leasing offices and supply room on the first floor and a community room and fitness room on the second floor, each approximately 1,200 s.f. in size. The two floors are connected by an outdoor patio. The design incorporates elements of a painted standing seam roof, trellises, and decorative light fixtures. (Plan Sheet A02.17)
- Construct four sixteen-car garages, each approximately 3,700 s.f. in size (98' wide x 38' deep). The parking is configured in two rows of eight spaces each, with access doors on the front and rear elevations. The garage has plaster siding and is distinguished by wood trellises on the roof. The four garages will be located in the existing parking area on the north side of the property. (Plan Sheet A 02.18)
- Existing carports on the property will be demolished, with the exception of some of the carports along the east of the property, which will be replaced with trellis roof coverings. (Plan Sheet A13.02)
- Existing surface parking areas will be re-stripped in conformance with current standards to increase overall on-site parking.
- Application of new decorative elements on existing apartment buildings. New exterior details include: new pilasters and columns around existing balconies and ground floor patios, decorative cornice, trim, and guardrail elements. New gable roofs will be added to cover existing rooftop mechanical equipment. Existing stair towers will be extended in height through the addition of a craftsman style gable roof. (Plan Sheet A9.23) The applicants will provide a color and materials board.
- Decorative trellises will be added to existing utility enclosures using the same design scheme on other buildings.
- New 4'6" decorative wood with mesh wire fencing will be placed in various sections along the periphery of the property. Openings are located in various areas to provide pedestrian access.
- 12' -13' tall pylons will be placed at driveway entrances serving as entry markers. (Plan Sheet A13.03)
- New landscaping will be planted around the property and concrete paving in open space areas will be reduced.

Project approvals include a Planned Development and Design Review. General interior improvements are also proposed, but these elements are not subject to Design Review. No new dwelling units are proposed to be added.

## **B. Public Noticing**

Public Notices for the Study Session were distributed to properties within 300' of the subject site pursuant to Government Code 65090 and 65091, which requires notification of public hearings to be distributed to property owners within 300' of the subject property and published in a newspaper a minimum of 10 days prior to the hearing. Notices for this project were completed according to those provisions with Public Notice letters distributed twenty days in advance. Planning staff also posted a total of nine notices within close proximity to the project site and provided a copy of the notice to a representative of the tenants at the site. Future hearings on this project will also following the same noticing procedures.

The public notice distributed for this Study Session contained standard language on the appeal process of Planning Board actions. However, the Study Session will be a forum to gather public comment and Planning Board feedback on the proposed project, so no appealable action will be taken by the Board during this meeting.

## **C. Background**

The site is bordered by the Alameda Beltline and Ralph Appezato Memorial Parkway (formerly Atlantic Avenue) at the north, Buena Vista Avenue at the south, and Poggi Street at the west. Surrounding land uses included the College of Alameda and the Bayport residential development on the north; multifamily apartments on the west and south; and "The Gardens" single family residences on the east. The complex consists of 615 apartment units in sixteen apartment buildings. There are approximately 16 unit types, ranging from 650 square foot single bedroom units to 1,200 square foot four bedroom units. Of the sixteen buildings, two are two story buildings and fourteen buildings are three story buildings; the two story buildings are approximately 20' in height and the three story buildings are approximately 28' tall, which have stair towers that extend 35' above grade. Accessory buildings on the site consist of utility buildings, trash enclosures and pool equipment building dispersed throughout the site. Recreational amenities including a swimming pool and children's playgrounds are located near the center of the property. Parking is located under roofed carports and in open striped lots at the perimeter of the site.

At the time of this report, five building permits have been issued for re-roofing. The applicants have also submitted building permit applications for remodeling in the common areas of the apartment buildings. These permit applications are currently under plan check review by the Building Division. The proposed work in the common areas include renovation of the hallways, lobbies, and laundry areas. These common area improvements include new wall coverings/paint, flooring, doors/locks, ceiling trim elements and drop ceilings; no structural changes are currently proposed. General interior improvements are not subject to Design Review.

According to Code Compliance Division records, 35 complaints regarding the project site were filed between August 2004 and the present. Of those 35 complaints, 7 were determined to be invalid complaints by the Code Compliance Division, as those complaints were not Municipal

Code violations. 28 complaints were deemed valid, and the property owners have been responsive in correcting all code violations. As of December 7, 2004 all 28 open cases have been resolved, and no new cases have been opened.

## **II. ENVIRONMENTAL REVIEW**

The proposed project qualifies for Categorical Exemption under CEQA Guidelines Section 15301 – Existing Facilities.

## **III. DISCUSSION**

### **A. Development Standards**

The Harbor Island Apartments site was developed in 1964 under the Federal government's War on Poverty program. As a Federal undertaking, the original development may not have been subject to the City's discretionary approval process, as building permit records do not show the application of zoning requirements for this site. As a result, the as-built conditions are accepted as the approved standards for this property. The current proposal to construct a community center and other site improvements requires an amendment to the existing PD standards, but due to the absence of an original Development Plan for the site, the proposed project requires the implementation of the existing PD with a new Development Plan. This Development Plan will memorialize the conditions of the existing construction and focus on establishing standards for future improvements on the site.

### **B. Key Project Issues**

The Planned Development (PD) approval is required for the project pursuant to AMC Section 30-4.13. The process allows variations to the standards application in the underlying zoning district. For this project, the focus of evaluation will be on the proposed elements that deviate from current development regulations. According to the current proposal, a variation under the PD may be considered in the following areas:

- Visitor Parking for Community Center - In regards to the proposed community center, there are presently no standards on visitor parking for assembly spaces accessory to multifamily residential developments, but visitor parking standards for the community center can be established through the PD process. The applicants intend to add parking spaces in front of the community center, and it appears that the community center is designed for exclusive use of the tenants and should not generate new parking demand. Whether it is necessary to require any additional visitor parking should be considered with the understanding that physical constraints and desired landscape improvements limit the creation of additional parking on the site.
- Tree location in parking areas - In terms of landscaping for the parking areas, one tree is required for every four unenclosed parking spaces on the site according to the AMC 30-

7.10(b). In reviewing the site plan, it appears that there are a sufficient number of trees to meet the requirement of one per four spaces, however, the placement of trees around the site does not satisfy the AMC requirement in terms of “providing a canopy throughout the parking lot, not just at the periphery.” Meeting this requirement would either require more trees planted or that other proposed trees on the site be moved to the parking areas. Staff will be reviewing the project for compliance with this requirement, and if it appears infeasible to add new trees given the intent to maximize parking on the site, then a variation to this standard may be considered.

- Accessory Building Height- The proposed gable roof elements above the proposed garages and the existing pool equipment building are proposed at 18’3” and 16’2” respectively, which exceeds the 15’ maximum height limit for such structures.

### **C. Other Project Issues**

City staff representing various city departments conducted a preliminary review of the proposed project, and the comments from that process are attached to this report. The following includes key issues identified during the preliminary review and current issues identified by staff:

- Design Compatibility – While the proposed modifications to the existing buildings seek to improve the appearance of the property, the proposed design revisions should be considered for compatibility with the surrounding neighborhood. The architects of the project advise that design elements are drawn from various styles in the nearby Bayport development, and believe that the design scheme used will be compatible with the surrounding neighborhood. Staff believes that the design scheme will enhance the appearance of the site by adding articulation to the existing buildings.
- Parking Spaces – Currently, the City’s parking regulations allow up to 50% of all required spaces to be Compact (7.5’ by 15’ vs. 8.5’ by 18’ standard). The project proposal would reconfigure the some of the existing full sized spaces to compact spaces, and would re-stripe other existing spaces, which are larger than current code requires, to meet current required dimensions. The result of the project will be an increase in overall parking on the site. The reconfigured site will have 699 parking spaces, including 347 standard spaces, 342 compact spaces, and 10 handicapped accessible spaces, where only 671 spaces exist. According to the applicants, each of the 615 units would be assigned a minimum of one parking space, and some units will be assigned standard spaces while others would be assigned compact spaces.
- Landscaping/Ground Improvements – Preliminary review included a comment on the enhancement of the property’s frontage along Appezzato Parkway. The proposed design will feature a row of trees along the entire border and a mix of landscaping as an improvement to the existing solid wall-fencing. The existing fence will also be modified to include lattice features complementing the new design scheme. The applicants have also indicated their desire to acquire and further improve the Appezzato Parkway frontage if the adjacent Alameda Beltline becomes available in the future.

- **Neighborhood Connections**– Staff reviewed the existing relationship between the site and the surrounding neighborhood under the recommendations of the draft West Alameda Neighborhood Plan. Those recommendations focused on establishing public pedestrian access through the site to improve pedestrian connections to neighboring areas, which would otherwise be obstructed by the Harbor Island Apartments complex. The West Alameda Neighborhood Plan is a draft document prepared by consultants working closely with the Development Services Department focusing on streetscape and circulation in the West Alameda neighborhood area. The Plan is the outcome of a community process and embodies a vision for future improvement in the West Alameda community; it will be presented to the Planning Board for review in the future. While the Plan has not been adopted and is still in draft form, some of the suggestions made in the Plan are related to findings, such as compatibility with the surrounding neighborhood, required for Design Review approval. Currently, the proposed site plan is flexible enough so that options are available if the concepts in the Plan were to be implemented in the future.

#### **D. Staff Correspondence dated October 7, 2004 (Attachment #2)**

The following is a list summarizing comments included in a correspondence from City staff during preliminary review of the project. The statuses of these comments are noted in parenthesis.

- Need for a site plan to show surrounding neighborhood. (Matter resolved)
- Improve pedestrian access through site (Applicants indicate that the project leaves potential for improving pedestrian access connections)
- Summary for Parking Calculations (Matter resolved)
- Increase number of parking spaces (Project shows increase in parking spaces)
- Provide construction phasing strategy to minimize street impacts (Applicants noted that construction will not obstruct public streets)
- Poggi Street improvements (Applicants are coordinating with Public Works)
- Designate garage for vehicular parking only (Matter resolved)
- Need for Plant List on landscaping plan. (Matter resolved)
- Improve Appezzato Parkway frontage (Variations added to Landscaping Plan)
- Landscape Maintenance Agreement (Will be required as a condition of project approval)
- Storm and Sewer System testing (Applicants are coordinating with Public Works)
- Electrical Service Improvements (Applicants are coordinating with AP&T)
- Design of Exterior Modifications (Will be evaluated as part of Design Review)
- Implementation of West Alameda Neighborhood Plan (Applicants indicate that the project leaves potential for implementing the Plan in the future if adopted by the City)
- Carport modification should match overall design (Matter resolved)
- Roofing of Trash Enclosures (Applicants are coordinating with Public Works and the Building Official on City requirements)
- Need for Color and Materials Board (Applicants have submitted a color scheme)
- Public Art Fee (Public Art Fee will apply to the new community center; its applicability to remaining areas of the project is under review by the City Attorney's office.)



**E. Staff Correspondence dated October 22, 2004 (Attachment #4)**

This second correspondence letter responds to questions from the applicants on City comments noted in the previous letter. A copy of the applicant's response is attached as Attachment #3. In summary, the correspondence discussed issues related to fire sprinklers, permit fee calculations, processing time for the permit applications, and confirmation of project requirements as previously noted in the October 7<sup>th</sup> correspondence. Issues not pertaining to the PD and Design Review will be addressed as part of the permit process.

**IV. RECOMMENDATION**

The Planning & Building Director recommends that the Planning Board review project plans, hold a public hearing to accept public comments, and give direction to staff on the review of the Planned Development and Design Review applications. A public hearing on this application is expected in early 2005.

G:\PLANNING\PB\REPORTS\2004\X-Dec 13\88BuenaVista433\_PD04-0004\_DR04-0113finaldraft.doc



## City of Alameda • California

December 23, 2004

Chris Auxier  
Alameda Multifamily Ventures, LLC.  
1680 Michigan Avenue, 8<sup>th</sup> Floor  
Miami Beach, FL 33139

RE: Planning Board Study Session Comments for Planned Development Application PD04-0004 and Design Review DR04-0113 at Harbor Island Apartments

Dear Mr. Auxier,

This letter is provided to you as a follow up to the Planning Board Study Session on December 13, 2004 at which time you and your design team publicly presented the 15 Group's proposal for various modifications and improvements to existing development on the Harbor Island Apartment site. Comments received at the study session are summarized below. These comments are provided for your review and consideration prior to further formal Planning Board consideration of your project. If you need any further clarification of any of these comments, we are available to assist.

Pursuant to Government Code Section 65950(a)(4) (commonly referred to as the Permit Streamlining Act or "PSA"), the City is required to take action on this project within 60 days of determining the project exempt from the California Environmental Quality Act (CEQA). Since the CEQA determination was made on December 10, 2004, the City will need to take action on the project by February 8, 2005 unless a time extension is provided by mutual agreement between the City and Applicant pursuant to Government Code Section 65957. If an extension of time is not proposed, the project must be heard at or before the regularly scheduled January 24<sup>th</sup> Board hearing. In order for staff to have sufficient time to review any revisions to the project that you may make in response to these comments, and to meet legally required public noticing deadlines, any revisions to the project plans must be submitted to the Department by 5:00 p.m. Wednesday, January 5, 2005.

The Planning Board strongly recommended that you engage community members on the project design before proceeding further with your project. With the advance notice necessary for any effective community engagement, and limited remaining time for concluding consideration of your application pursuant to the PSA, a time extension may be necessary in order to provide sufficient time to respond to the Board's requests.

Pursuant to the PSA, as outlined in Government Code Section 65957, a one time extension to the 60 day processing timeframe may be granted, not exceeding 90 days, upon mutual agreement between the Applicant and the City. If you intend to submit a time extension request, please do

Planning & Building Department  
2263 Santa Clara Avenue, Room 190  
Alameda, California 94501-4477  
510.747.6850 • Fax 510.747.6853 • TDD 510.522.7538

**Attachment #6**

so in writing to the Planning and Building Director by January 5, 2005. If you have not responded by that time, the project will be scheduled for public hearing and final action by the Planning Board on January 24, 2005.

#### Study Session Comments:

The following list is compiled based on comments from the public and Board Members at the Planning Board Study Session on December 13, 2004. These comments are not intended to be all inclusive of every comment made during the Study Session. The accompanying videotape and draft minutes will provide you with a complete record of the Study Session.

#### Site Plan/Design:

- ❑ Provide for better connections between the site and the surrounding community.
- ❑ Demonstrate integration of the proposed landscape plan with pedestrian access ways.
- ❑ Create better pedestrian flow through the project; place pathways according to logical pedestrian circulation patterns.
- ❑ Reorient the proposed garage buildings to allow for better pedestrian access through site; consider providing wider gaps between garages for this purpose.
- ❑ Recognize the recommendations of the Draft West Alameda Neighborhood Improvement Plan, and incorporate elements of the Plan where feasible. Where it may not be feasible, explain why.
- ❑ Show location of all trash enclosures to ensure that they serve all residents.
- ❑ Design outdoor spaces to create a welcoming neighborhood environment that encourages integration of the site with the surrounding community.
- ❑ Avoid long monolithic expanses of fences and walled areas, and limit the installation and height of perimeter fences/walls in order to maintain site transparency and achieve improved connections and integrations with the surrounding community.

#### Architectural Design Comments:

- ❑ Consider incorporating a variety of rooflines to improve horizontal and vertical articulation rather than keeping all the roofs flat.
- ❑ A hipped roof design on the stair tower elements is preferable to the proposed gables to reduce the visual obtrusiveness of roof elements.
- ❑ Use architecture to create the impression of “smaller” buildings within the larger ones, and use architectural elements to defuse the monolithic nature of the existing buildings to create more individuality for buildings and spaces.
- ❑ Demonstrate that the use of foam architectural elements is appropriate on the lower levels as they are more susceptible to damage and vandalism.
- ❑ The proposed arcade features on Building 459 look too “corporate”; consider revising this design element to defuse and transform the institutional appearance of the residential buildings.

- ❑ Respond to the comment that the use of trellises throughout the site may not be appropriate, and that this design feature may not be compatible with the surrounding built environment.
- ❑ Avoid use of the entry pylons and other details that create visual demarcations between the site and neighborhood. Entry pylons can create an undesirable “gated” effect.
- ❑ Specify the use of anti-graffiti paint on the buildings’ exterior.

#### Community Center Comments:

- ❑ The community center design needs better integration with the overall design of the apartment buildings, e.g. consider revising the “gymnasium style” design of proposed community building.
- ❑ Explain the need for the proposed number of office spaces, and consider whether the office spaces can be replaced with additional spaces for community use.
- ❑ Consider relocating the rental offices elsewhere in the building or perhaps keeping them in their existing location. The community center should have community oriented uses on the ground floor rather than offices.
- ❑ Showers for pool users should be provided.
- ❑ Explain/describe any community services proposed for the new community center, i.e. reading rooms, homework center, day care, etc., and address availability of the community center for neighborhood use.

#### Site Amenities:

- ❑ Existing children’s play areas should be improved and new play areas should be provided.
- ❑ Consider visual accessibility of play areas to improve safety/security (tot lot visually blocked by nearby apartment building.)
- ❑ Consider the need for additional recreation areas, i.e. basketball courts, playing fields and outdoor eating/picnic areas.
- ❑ Consider providing community/public access to community center and recreational facilities.

#### Parking:

- ❑ Identify the location of standard and compact spaces on the project plans.
- ❑ Consider the effects of the carports along the east side of property on the adjacent “The Gardens” neighborhood.
- ❑ Consider reducing the height of the new garage buildings, as they appear to create visual barriers for units located near the structures, and obstructs the view of the lower level of apartment buildings from Appezato Parkway.
- ❑ Address the concern that the garages can be used for non-automobile storage by future tenants; explore the possibility of requiring inspections by the property manager.
- ❑ Show the location of bicycle parking and related amenities on the project plans.
- ❑ The design should focus on improving the Poggi Street entry of the parking lot.
- ❑ Explain how the site will relate to and accommodate existing and future public transit connections.

Security issues:

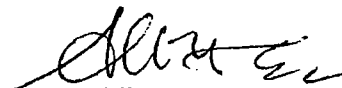
- ☐ Respond to Police Department recommendations and demonstrate what new security features will be incorporated into the project.
- ☐ Respond to the concern that the enclosed stair towers may present a security problem due to lack of visibility from public view.

Miscellaneous comments:

- ☐ Explain how construction will be phased with the re-occupation of the apartment units.
- ☐ Explain or demonstrate how construction will be phased to minimize impacts to surrounding residential neighborhood and nearby school.
- ☐ Respond to the questions related to the scope of any proposed structural and seismic improvements and upgrades of existing structures and utilities.
- ☐ Respond to the concern about the existing sewer problems on the site.

The comments above are provided for your consideration and response in conjunction with the previous correspondence from this Department dated December 10, 2004, and the staff report and all supplemental materials and correspondence provided in conjunction with the Planning Board's Study Session. We request you to fully consider and respond to all the comments, as your responses will be presented to the Planning Board when the project is brought before the Board for further consideration. Please contact me at 510.747.6888 as soon as possible if you have any questions about any matters discussed in this letter. We look forward to hearing from you by January 5, 2005.

Sincerely,



Allen Tai  
Planner II

Attachments:

1. Letter from Arc Ecology/Renewed Hope Housing Advocates, dated December 13, 2004

CC: Planning Board Members

Cory Creath, Axis Architecture, 735 Montgomery Street, San Francisco, CA 94111

Shaun Alexander, Axis Architecture, 735 Montgomery Street, San Francisco, CA 94111

David Blackwell, Three Embarcadero Center, 12<sup>th</sup> Floor, San Francisco, CA 94111

**Greg Fuz, Planning and Building Director**  
**Jerry Cormack, Development Review Manager**  
**Carol Beaver, Community Development Manager**  
**Greg McFann, Building Official**  
**Barbara Hawkins, Public Works Department**  
**Suzanne Ota, Recreation and Parks Director**


G:\PLANNING\CURRCORR\88\2004\BuenaVista433\_PD04-0004\_DR04-0113\BuenaVista433\_PD04-0004\_DR04-0113 Study Session  
CommentsA.doc

**Renewed Hope Housing Advocates**  
P. O. Box 5  
Alameda, CA 94501  
(510) 522-2073

**Arc Ecology**  
833 Market Street, Suite 1107  
San Francisco, California 94103  
(415)495-1786

December 13, 2004

**To:** Members of the Alameda Planning Board:

**From:** Eve Bach   
Arc Ecology  
Staff Economist/Planner

Tom Matthews   
Renewed Hope  
Chair

**RE:** Application PD 04-0004/DR04-0113  
Alameda Multifamily Ventures, LLC  
433 Buena Vista Avenue

Distributed at the Planning Board  
Meeting of 12/13/04  
Re: Agenda Item # 874

We urge the Planning Board to instruct staff that the plans submitted for the above application are incomplete. In addition, the Board should reject staff interpretations that are not rigorous interpretations of state and local laws.

#### **Existing Planned Development zoning and Development Plan**

The staff reports that the records of the Planned Development designation for Harbor Island are missing, and then assumes, in effect that the existing condition of the project complies with whatever conditions/requirements were approved four decades ago.

The Harbor Island Apartments site was developed in 1964 under the Federal government's War on Poverty program. As a Federal undertaking, the original development may not have been subject to the City's discretionary approval process, as building permit records do not show the application of zoning requirements for this site. As a result, the as-built conditions are accepted as the approved standards for this property. The current proposal to construct a community center and other site improvements requires an amendment to the existing PD standards, but due to the absence of an original Development Plan for the site, the proposed project requires the implementation of the existing PD with a new Development Plan. This Development Plan will memorialize the conditions of the existing construction and focus on establishing standards for future improvements on the site.

Staff speculates that the records may be missing because they never existed, that the project was exempt from local zoning regulations. This reasoning does not make sense. Private developers built the project, not the federal government, whose role was limited to lending money. In any event, the fact that the project is the property accounting for most of the R-4 PD district in which it is located confirms that it was subject to local zoning restrictions. Otherwise there would have been no need to designate the project and surrounding area as a PD zone, thereby exempting it from R-4 requirements then in effect.

To remedy the problem of the lost paperwork, the staff believes that a *post hoc* Development Plan should be approved, whose requirements mirror the existing configuration and condition of Harbor Island, and set standards for future changes, presumably including the application

referenced above. The standard implied by the staff report seems to be acceptance of the applicant's proposal, including relaxation of parking and open space standards for new construction,

The staff assumption that the project today meets conditions imposed in 1964 is not valid, given the business practices of current owners. Assuming that the project has the same configuration as when it was originally entitled is also not automatically justified since so many years have passed.

Since this PD district includes more properties than the Harbor Island complex, it seems especially important to track down the PD provisions and the various development plans, and to understand how they relate to one another.

If a thorough search of Planning Board and the City Council minutes does not succeed in reconstructing the lost records, long time tenants and neighborhood residents should be interviewed for their knowledge of the property. A determination that the existing project meets all the conditions of its permits is a gift that the current owners do not deserve.

The City originally exempted this project from zoning rules by means of the PD designation at least in part to address its needs for affordable housing. The City must not provide the project with a new PD designation without assuring that the project will continue to serve City interests, which currently include the long term preservation of Harbor Island housing that is irreplaceable under City laws.

#### **Pre-emption of West Alameda Neighborhood Plan**

In correspondence with the City, the applicant objects to factoring in changes proposed in the draft of the West Alameda Neighborhood Plan. Under these conditions, the City should not approve the application until after the Plan has been adopted.

#### **Categorical Exemptions from CEQA**

The staff has stated that the applications would be categorically exempt from CEQA, citing §15301. Existing Facilities which exempts

“the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use... The key consideration is whether the project involves negligible or no expansion of an existing use.”

A close look at proposed “community center” and the four new garages reveals that this project does not fit the criteria for a categorical exemption. The total floor that would be added (20,800 sf) is not considered *de minimus* by CEQA, and the so-called “community center” cannot be considered a negligible expansion of existing office use on the site.

#### ***Proposed “Community Center”***

The proposed new building appears to represent a significant expansion of Harbor Island office space. The plans submitted to the City should be characterized as a small office building, even though the applicant and the staff refer to the structure as a “community center.”



Two second story rooms, comprising less than half of the new building (2,400 sf out of a total 6,000 sf) would provide a small meeting room and small workout area. An outdoor stairway provides access to these rooms, presumably to prevent users from disturbing ground floor operations in the ground floor office area: four offices, large adjoining reception and document signing area, and storage space.

Since Harbor Island currently has office facilities for managing the complex, adequate for prospective tenants to sign leases, the proposed new offices appear to be an accommodation of new functions. The submitted plans identify the ground floor as a "Sales Closing Room," although the staff report refers it as a lease-up area. The need for so much additional space to be permanently dedicated to signing leases is dubious. The Board should carefully question the purpose of the proposed building.

#### *Four New Garages*

In addition to the new 6,000 sf structure housing offices and community rooms, the application calls for new garages totaling 14,800 sf of floor area. The total for all five structures is more than twice the 10,000 sf exemption considered *de minimus* expansions of existing facilities (§15301(e)).

Furthermore, the garages potentially will have significant visual impacts. The location is along the north boundary of the property, which adjoins land designated in the Alameda General Plan as parkland (the currently undeveloped strip along Appezzato Parkway). Even if the new structures were to conform to R-4 height limits of 15 feet, they would block the views of this parkland for some first floor residents in four Harbor Island buildings (459, 465, 475, and 527 Buena Vista). Current plans call for garages to be more than 18 feet high, effectively blocking second story views as well.

The failure of the applicant and the staff report to consider this relationship of the project to this surrounding use is echoed by their lack of interest in the relationship to other properties, except for the walled-off Catellus Project. The plans and the analysis do not depict other properties in the R-4 PD District. Instead the staff appears to consider the applicant's promises of compatibility with the Catellus Project to be sufficient. In our view, it is not acceptable to be concerned only with the impact on an unoccupied gated community, while ignoring the relationship with a long standing adjacent community of homeowners and tenants.

#### *Height Increases for Other Structures*

There is no analysis of the effects on views of increasing the height of the pool equipment structure by 70% (from 9'6" to 16'2"), or of two utility buildings (one from 9'6" to 14'10", and the other from 14'8" to 15'4").

#### *Demolitions*

In addition to the proposed new structures, the applicant wants to demolish existing carports and utility buildings. Since it is likely that these were constructed prior to the 1970's, potentially significant impacts of lead paint and asbestos need to be addressed.

### **Cosmetic versus health and safety Improvements**

The City has an interest in extending the life span of this housing, especially since it cannot be replaced under Alameda's land use laws. A new coat of paint will not accomplish this goal.

The rehabilitation proposed by the applicant will primarily make cosmetic improvements. The applicant's goal appears to be to keep the value of the improvements low enough to avoid triggering requirements to meet modern codes. However, once the work begins, it is likely that extensive structural repairs will be needed and the price tag will be higher than anticipated - high enough to require upgrading to current energy, seismic, and other structural standards. For example, the plans call for replacing the railings and flashing on the balconies, but not reinforcing structural elements even though they were constructed 40 years ago.

The staff report indicates that the rehab costs will trigger sprinkler system requirements, despite the applicants complaint that meeting the fire code will cause a reduction of cosmetic improvements. Prior to issuing building permits, the City needs to determine other code upgrades related to health and safety that will be required. The applicant must not be allowed to piecemeal improvements to avoid triggering current code requirements.

For calculations of rehab costs, the City's estimate of \$40/sf for rehab costs seems woefully out of date.

### **Inadequate Parking for Residents**

When the new parking required by the office-community building is taken into account, the parking for resident is projected to decrease substantially.

Parking required by Zoning for new construction:

USE	Required Spaces	Zoning Requirement
office	60	1 per 50 sf for 3,000 sf
community use	8	1 per 400 sf for 3,000 sf

Although the application proposes to slightly increase the number of parking spaces on the site (from 671 to 699), this increase will be less than the number of spaces required by the new building. Furthermore, the small increase in spaces on the sites is only accomplished by downgrading 342 of the spaces from standard to compact size. The smaller spaces are likely to pose a problem since total spaces (699) available for residents would be only 57% of the number required by the underlying R-4 zoning.

In addition, it appears from the submitted drawing that at least some of the 10 handicap spaces do not meet current specifications, either because they are too narrow, or because they block pedestrian entrances to the parking lot. It is also not clear whether the number is adequate.

No bicycle parking is indicated on the plans. Two motorcycle spaces have been removed.

### **No open space analysis**

The information provided by the applicant and the staff report does not include tallies of private and public open space per unit and does not analyze the effects of reductions to common open space caused by the proposed new structures. There is no description of existing open space and how it deviates from the underlying zoning requirements; nor an analysis of how the project would reduce open space.

Although the report claims that building coverage on the site is 22%, it does not point out that most of it is used for parking. The plans appear to eliminate playgrounds - except for one that is a few feet away from the entrance to the swimming pool.

The loss of non-parking open space should be analyzed as an environmental impact.

### **Other information missing from the plans**

No information is provided on the following:

- ◆ Separation of new structures ("community center," garages, utility buildings) from main structures.
- ◆ Front yard setback
- ◆ Rear yard setback
- ◆ Sideyard setbacks
- ◆ Driveway widths
- ◆ Total usable open space
- ◆ Common open space
- ◆ Private open space for ground floor and upper floor units

January 8, 2005

Alan Tai  
City of Alameda  
Planning and Building Department  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501

RE: Planning Board Study Session Comments for Planned Development and Design Review of Harbor Island Apartments

Dear Mr. Tai,

Thank you for your letter dated Dec 23<sup>rd</sup>, 2004 summarizing the Planning Board's comments from the Dec 13<sup>th</sup> Study Session. Please accept this letter in response to comments from members of the community and the Planning Board.

Pursuant to the Permit Streamlining Act, we have granted the City an extension of the deadline in which to render an approval of the project. We extended the deadline from February 8<sup>th</sup> to February 28<sup>th</sup> in order to facilitate an additional round of dialogue with the community and the Planning Board on January 24<sup>th</sup>, prior to a final hearing at the scheduled February 28<sup>th</sup> Planning Board meeting. We are optimistic that the many discussions held with members of the Planning Department prior to December 13<sup>th</sup>, combined with three rounds of public meetings, will provide the ability to reach a positive resolution to the PD/DR process on February 28<sup>th</sup>.

Earlier this week we submitted a set of revised drawings that take into consideration feedback received at the first Study Session. We have been as responsive as possible within the confines of the existing conditions and reasonable economics. Suggestions which did not result in design changes are explained in this letter. Please note that with the holiday schedule and the short time period in which to make revisions, we expect that there will be some supplemental detail presented to the Board at the January 24<sup>th</sup> Study Session.

**I. Site Planning / Design:**

**A. West Alameda Neighborhood Improvement Plan:**

We wholeheartedly support the draft West Alameda Neighborhood Improvement Plan's (the "Plan") goals of beautification, increased safety, and improved pedestrian movement. We are thrilled to see it under consideration by the City and are happy to consider how Harbor Island can participate in its development. Nevertheless, there are certain considerations and realities that must be addressed.

It is our understanding that the Plan is currently in draft form and has yet to be finalized, adopted or funded. The City does not currently control the land required to implement many of the proposed changes, such as the Appezzato Parkway improvements in front of

Harbor Island, the Woodstock Connector, and the Pacific Connector, to name a few. Given the conceptual nature of the Plan and the significant challenges to its realization, our position had been that nothing we are doing on the property prohibits its future accommodation, if and when the Plan becomes a reality.

While not having had the opportunity to review a draft of the Plan prior to the first Study Session, many members of the Planning Board seemed extremely supportive of its objectives as outlined by Community Programs and Housing Division Manager, Carol Beaver. As such, we have taken a closer look at the Plan's elements and considered what could be done to potentially accommodate and facilitate the Plan's implementation with respects to Harbor Island. Subsequent to the first Study Session, our architects met with Carol Beaver and Mike Smiley, Partner at BMS Design Group, the firm providing landscape architecture consulting services for the Plan. This meeting was held to better understand how the draft Plan's objectives may translate into physical changes affecting Harbor Island.

Our revised drawings illustrate modifications that would be required to incorporate multiple pedestrian gates along the Appezzato Parkway Fence, proposed improvements at the corner of Buena Vista and Poggi, and a proposed crosswalk to tie into the Woodstock Connector across the street. With the exception of a public right of way through the property, we think it possible to embrace nearly all elements documented in the draft Plan at a loss of approximately eleven (11) parking spaces to the property. At this point, the modifications are being illustrated diagrammatically and are purely for the purpose of discussion at the Study Session.

i. Plan Proposal: Appezzato Parkway – Pedestrian Connections:

We applaud the Plan's proposed greenbelt along Appezzato Parkway and believe it will be a great asset for the community. We are hopeful that it will come to fruition and would like to provide residents of the property with easy access to the greenbelt and public transportation along the parkway. In its current condition, however, the land is simply an undeveloped strip along a busy thoroughfare and is controlled by a party other than the City.

Given the existing condition and safety considerations for the property's residents and visitors, we believe removal of the wall along the Appezzato Parkway is inappropriate at this time. We plan to beautify the existing wall by introducing breaks at regular intervals, removing protrusions from the surface, and adding a more aesthetically pleasing wrought iron-looking fence along the top and in the breaks. These modifications, combined with removal of carports and addition of trees, represent a significant improvement over the current edge condition.

In response to comments by members of the Board, we are considering the introduction of pedestrian access points along the Appezzato frontage. It was suggested that a pedestrian gate be introduced roughly in the middle of the wall or along the 5<sup>th</sup> Street axis. To accommodate this would require creation of a pedestrian path through the parking lot roughly along the 5<sup>th</sup> Street axis. The additional space adjacent to a handicap parking spot would serve as the launching point from the pathway between buildings 475 and 527. Garage buildings would be repositioned slightly, and two parking spots would be eliminated from the middle parking area. A third parking spot would be eliminated next to the Appezzato Parkway wall and a gate introduced in a newly created opening in the wall.

It was also suggested that a pedestrian gate be introduced toward the northeast corner of the parking lot to facilitate access to College of Alameda and the bus stop

across the street. Accommodation of this link would require the introduction of a gate in the wall and the elimination of one parking spot adjacent to the trash enclosure.

If these pedestrian access points were developed, both would be gated and intended for use by residents and visitors of Harbor Island. They would provide easy access to the proposed greenbelt, if built, and to public transportation along the parkway. We generally believe this to be a good idea and look forward to talking about it within the context of an overall approval of the project.

ii. Plan Proposal: Woodstock Park Connector

We believe that the creation of a pedestrian connector from Poggi Street to Woodstock Park is a great idea. The Plan proposes a 15' pathway flanked by 5' planters from Woodstock Park to Poggi Street and a crosswalk across Poggi to Harbor Island Apartments. The crosswalk, as drawn on page 38 of the draft Plan, has curbs that span 45-60' on each side and is the scale of a massive, urban crossing. While we support the idea of the Connector, the scale of the crosswalk simply cannot be justified by traffic expectations, especially since there is no need to cross at this point on Poggi unless the destination is Harbor Island.

The Plan assumes the Unified School District gives up a 25' swath of land from the Chipman School's recreational facilities. As drawn, it further assumes acquisition of 8 or 9 parking spaces from Harbor Island Apartments.

If Harbor Island were to accommodate construction of this crosswalk, the dimensions would certainly need to be scaled down to something more appropriate. Taking cues from the proposed pathway dimensions, a still grand 15' wide crosswalk with 5' planters on either side would require the loss of approximately 3 parking spaces. At the cost of demolition and repaving, 2 parking spaces could potentially be regained by elimination of a planter in front of Building 433.

We support the Woodstock Connector concept, we're happy to discuss the development of a crosswalk along the lines described above within the context of an overall approval of the project.

iii. Plan Proposal: Improvements at Corner of Poggi & Buena Vista

The improvements at the corner of Poggi and Buena Vista are related to the development of the previously discussed Woodstock Connector and to the Pacific Connector discussed on page 36 of the Plan. The Plan calls for a significantly narrowed and slightly raised turning space designed to slow traffic around the corner. It also provides a much wider sidewalk and introduces new planting beds. We believe these modifications would go a long way to improve the aesthetics of the intersection and provide an additional buffer between the school and surrounding residents.

With approximately 700 cars on our property, however, we are concerned that the proposed modifications have been designed without the benefit of a traffic study. Given the proposed Woodstock and Pacific Connectors, this intersection could quite possibly become a point of congestion from parents dropping off or picking up children at the Chipman School. We renew our request that the City conduct a traffic study and take results into consideration before proceeding.

Like the Woodstock Connector, the Pacific Connector requires securing property rights to approximately 25' of land from the Unified School District. As drawn, the modifications also seem to require that Harbor Island give up two parking spaces to accommodate an expanded curb and planting bed.

Assuming a traffic study and reasonable consideration, we are generally in support of the corner improvements and would like to cooperate with their implementation.

iv. Plan Proposal: Public Pathway Through Harbor Island Apartments

Figure 7 of the draft Plan conceptually calls for a public pathway along the eastern edge of our property from Buena Vista to Appezzato Parkway. At this location, a pathway consistent with the scale and embellishments described elsewhere in the Plan would require a switch to parallel parking and the elimination of approximately 60 spaces, which is clearly unacceptable.

Carol Beaver and Mike Smiley alternatively proposed a pathway cutting directly through Harbor Island at the 5<sup>th</sup> street axis, taking the form of an 8 to 10 foot wide path flanked by landscaping and lighting. Aside from the costs to develop the path, this would require the elimination of approximately 15 parking spaces from the Buena Vista parking lot and the modification of the vehicular traffic flow so as not to lose additional spaces.

While we can appreciate the intention of introducing an additional connection from Buena Vista to Appezzato Parkway, we are fundamentally opposed to the abridging of our property rights by the creation of a public way through our property. Moreover, the proposal is simply impractical. The current situation of buildings does not afford an adequate buffer between resident patios and additional public foot traffic. It would significantly increase the challenges of providing a safe, secure environment for our residents in an area that has historically been plagued by crime. It would be a significant imposition and have distinctly negative implications for the value of our property.

v. Harbor Island: Conclusion.

Improvements suggested by the draft West Alameda Neighborhood Improvement Plan appear to be beneficial to the community, including residents of Harbor Island. We are optimistic that the Plan will translate from concept to actionable reality, and we are hopeful that it will be developed, approved and funded adequately.

We appreciate most aspects of the Plan, and with some conditions intend to embrace its implementation where practical. While a public way through the middle of our property is not a viable option, we are happy to discuss multiple connections to the proposed greenbelt, accommodation of a Woodstock Connector crosswalk and accommodation of Poggi / Buena Vista corner improvements. Given the property's shortage of parking, we are naturally concerned about the loss of additional spaces. However, assuming that the PD/DR approval process progresses towards a timely, constructive, and satisfactory solution for all parties, we are happy to make reasonable accommodations in support of the Plan.

## **B. Integration with Surrounding Community:**

Some comments from the Study Session called for increased integration with the surrounding community. We feel strongly that the beautification of the property through updated architectural design, more formal site planning, and improved landscaping all contribute to increased compatibility and integration with the neighborhood. Furthermore, opportunities to collaborate with elements of the proposed West Alameda Neighborhood Improvement Plan as described above would provide for increased pedestrian connections.

Other specific comments are addressed below:

- i. Can perimeter fencing be reduced?
  - We are removing vehicular access gates from the parking lots.
  - As previously discussed, we feel removal of the Appezzato Parkway wall is inappropriate. We would be happy to consider suggestions to eliminate portions of the wall in the future once the greenbelt is developed and the new condition can be assessed.
  - In keeping with the suggestions of the Police Dept to improve security and safety, we will not be removing the wrought-iron fencing between the buildings and along the parking area on Buena Vista. While some may consider it more aesthetically pleasing to remove the fencing, we are concerned about the safety and security of our residents.
- ii. Avoid long, monolithic expanses of fencing and walls
  - Breaks are being introduced in the existing monolithic wall along Appezzato Parkway and more articulated detail is being added through metal fencing.
  - The unbroken row of existing carports along the eastern edge of the property is being replaced by a series of carport clusters to provide rhythm and variety.
  - The existing ground floor patio fences are being replaced by lower and more transparent fencing.
  - We are introducing additional landscaping on the site, including in areas where there are large building walls.
- iii. Place pathways in logical locations
  - The pathways already exist.
  - The site plan submitted reflects our plan to significantly reduce the amount of concrete paving on the property and to straighten pathways into more logical patterns wherever possible. This involves cutting / demolishing sections of existing paving throughout the site.
- iv. How does the site relate to public transportation?
  - The 63 bus conveniently stops at the corner of Poggi and Appezzato.
  - A second bus stop exists on the north side of Appezzato, a short distance east of Harbor Island. Access to this bus stop might be easier for some residents if a gate were to be introduced near the trash enclosure in the northeast corner of the property as previously described.
- v. Can more activity / play areas be incorporated into the site plan?

There were several comments from members of the Board and the public regarding activity areas and play areas on the property. Specifically, there were requests for more designated play areas and for modifications that could potentially make the spaces between buildings more active. Our response is as follows:

  - For children under the age of five, we propose to keep the existing "tot lot" near the Community Center on the western half of the property.



- We propose the addition of a second children's play area, the form and location of which are still being decided. It may take the form of a second "Tot Lot" in the north east quadrant, or a "Play Area" for ages 5-12 near the Community Center. We are currently considering the cost, noise and safety tradeoffs with these two options.
- The centralized management office, gym, community room and outdoor spaces of the community center will reinforce and increase activity around the pool area.
- To the east of the pool, we propose the addition of a barbecue area.
- Adjacent to the new barbecue area and between buildings 525 and 523, we propose a significant modification to the pathways to create a small play field for all ages that could accommodate a volleyball and free play for all ages. Creation of the lawn will require demolition of the existing, central concrete pathway and introduction of two new paths on the north and south.
- Roughly in the center of each quadrant of the property, we propose the creation of informal "activity areas" between buildings 457 & 459 and 455 & 453, and in the interior spaces of both buildings 523 and 525. At a minimum these would consist of a barbecue and picnic table. Some may include the addition of a concrete game table and/or benches.

## **II. Architecture:**

### **A. Community Center**

There were a number of questions raised as to the location, need, use, and design of the property's new community center.

#### **i. Need for Offices**

- We have proposed offices of the size, scope and environment necessary to provide first rate management of the property.
- Upon reviewing the design, we noticed that some programmatic elements were missing, including a staff kitchenette and a photocopier area, both of which will need to be incorporated on the ground floor in the next set of design revisions. Some offices will be reduced in size as a result.
- The secure storage room is necessary to effectively manage the key card system, unit door keys, and resident files for 615 units. This room will also house the security system for the building and property, marketing and leasing materials, and play equipment to be signed out by residents.

#### **ii. Location and Arrangement of Functions**

- Given the scale of the property, a centrally located management office is a logical and necessary development to ensure overall management of the property and to provide convenient interaction with residents.
- It makes sense to keep offices on the ground floor so that a potential resident or existing resident can enter the building and be greeted by management.
- Location of the new gym and community room on the upper level is an ideal location, providing ample sunlight and affording both rooms a view over the pool and central activity areas.
- The community room on the upper floor is intend primarily for use by residents of the property and is a space that can be used for parties, meetings and relaxation. The upper level patio area becomes a natural extension of this space.
- We believe management, gymnasium, community room and patio functions are all that the available space will accommodate.

iii. Design Changes

- We feel that the architectural design of the building is appropriate, but we have made some changes to the façade facing the pool area in order to better integrate the building's functions with pool area activities.
- We've removed one bay of columns and one stairwell to increase the square footage of usable patio space for residents.
- We've removed the trellis on the upper patio to more gradually step down the profile towards the pool area.
- We've provided additional seating areas on the patios.

**B. Poggi Street Entrances to Property**

i. Entry Pylons

A comment was made that the proposed entry pylons on Poggi act as a "gate without a gate". We respectfully disagree with this opinion and believe the pylons neither create nor imply any kind of barrier. Rather, they serve to provide some sense of formality to the landscape while identifying the entrance to the community center. They also add articulation to the relatively mundane frontage along Poggi. We think this is good design.

ii. Main Parking Lot Entrance

A question was raised as to why the main parking lot entrance was less "grand" than the entry marked by pylons. Firstly, we feel the pylons serve a functional purpose of marking the entry to the community center and management offices. There is no such function to mark at the Poggi/Appezzato corner. Secondly, a very large planter and a number of trees are being introduced at the main parking lot entrance near Appezzato Parkway at a cost of some existing parking spaces. This is a marked improvement over the existing condition that was not adequately communicated by the simple plan drawing in the first presentation. We will better communicate the design at the Second Study session using perspective images.

**C. Design**

i. Roofs

- It was suggested that the relieved, gable roof on stair towers might look more residential if lowered and changed to a hip roof. We have put together a series of sketches illustrating the visual impact of these changes for the purposes of discussion at the Study Session. While we prefer the design as originally proposed, the stair tower roofs could be lowered if there is consensus from the Board that this is desirable. We think changing the tower roof from a gable to a hip is inappropriate, however, as it begins to make the buildings look Mediterranean and would not be consistent with structures elsewhere on the property.
- The suggestion that we modify rooflines across the site is economically impractical, especially since roofing repair/replacement was recently completed on most buildings. If this were new construction, we would agree with the recommendation that the roofs not be flat and that the profiles be varied. But the buildings are existing construction with flat roofs, and changing them would be a major, structural renovation requiring significant compromises elsewhere on the property. We considered a compromise in the form of a mansard roof design but quickly and unanimously felt that this was too dated and somewhat institutional in appearance.

ii. Monolithic Character of Buildings

Our goal was to dramatically change the aesthetic appearance of the property and we have accomplished that objective. We have taken the simple, box-like buildings that currently exist and transformed them through articulation of the facades, manipulation of the stair towers, modifications to the balconies and ground floor patios, addition of cornice elements, variation in paint color, and the addition of landscaping.

iii. Building 459

A few comments were made about the elevation of building 459 appearing too "institutional" and it was suggested that we revise the design to be more "residential".

- The suggestions seem to stem, in large part, from the presentation of a flat elevation drawing. The building does have setbacks and is not a single, long façade as one might interpret from the drawing. The scale of the building was not obvious, and the drawing did not communicate how the building would be viewed, which is almost always from an angle.
- We actually think our proposed changes go a long way towards replacing the current boxy, monotonous look with a more residential one.
- We also felt that adding some uniqueness to the building would increase the variety of architecture along the front of the property.
- We will present at least one drawing to illustrate the building from an angle and to show some possible design revisions for the purposes of discussion.

iv. Trellis Elements

A comment was made that trellises seem to be a common design element in Alameda and that they may become cliché. While we have removed a large trellis from the clubhouse patio, we believe trellises are a common vernacular element throughout Alameda and an appropriate feature to bring scale and texture to otherwise simple buildings. They are especially appropriate in places where there is a need to keep building heights low, such as the garages, but something other than a flat edge is desirable.

### III. Structural, Operational and Other

#### A. Structural

i. EIFS at Lower Levels

A question was raised regarding whether or not the application of EIFS at lower levels will stand up to wear and tear. EIFS systems such as Dryvit offer fiberglass reinforcement that is used in vulnerable areas subject to damage. It's a common and effective application.

ii. Seismic Considerations

New construction will be done in accordance with California building standards and local codes.

iii. Structural Upgrades

We are performing numerous required repairs during the course of the project such as replacing broken concrete stair treads, replacing roofs, resurfacing the pool, etc. Interior renovations include systems upgrades where required. Plumbing related issues were addressed in 2004 when sewer lines were video inspected and subsequently repaired or jetted. The sewage problem near Buena Vista that was mentioned by one member of the public has been resolved for some time. We have

been in communication with code enforcement officials and there are no open violations.

## **B. Operations**

### **i. Trash**

- Trash will be handled in one of two manners.
- The original plan was to provide a single trash facility in a convenient location where residents would be required to dump their trash. This would typically require residents to put trash bags once a week in the trunks of their car to be driven to the facility when they leave the property. While less convenient than many smaller trash collection sites scattered throughout the property, an arrangement such as this is not uncommon and leads to a much cleaner property.
- The location of the trash compactor facility in the northeast corner of the property is designed to provide optimal convenience to residents and provide room to stop and drop off trash. We appreciate the concerns raised about noise, and we plan to operate the compactor at hours of the day that will minimize impact to nearby residents.
- We removed a number of existing trash enclosures from parking lots on the site plan in order to create additional parking spaces and improve aesthetics.
- We are now considering keeping some of those enclosures and looking at ways the eight "utility" enclosures on the site might be able to serve a dual purpose as both enclosure for electric transformer and enclosure for trash containers that would be run daily to the main compactor. We hope to have a clearer understanding of this option by the second Study Session.

### **ii. Stairwell Safety**

- It was suggested that we re-consider enclosing the stair towers due to the possibility of violent crime going undetected.
- There are typically three stairs per building: one at each end and one in the middle. While these are presently utilized by residents for both ingress and egress, one of the primary security enhancement goals of the project is to control access. To do that, we are proposing to incorporate card readers at the primary entry points of each building, which access the central lobbies. The exit stairs will be locked from the exterior and no longer be a point of entry.
- The stairs at the ends of the buildings are mostly enclosed. There is an opening at the bottom landing and the intermediate landings. Our design does not alter the degree of enclosure on these towers.
- With a few exceptions, stairs located at the center of the building have one edge that is open to the courtyard. Our proposed design generally decreases the amount of the opening by approximately 50% for architectural reasons. We have requested the input of the Police Department on this issue.
- We appreciate the Board's concerns on this matter and have not come to any conclusions at this time. We generally feel, however, that maintaining the existing stair enclosures and adding to the partial ones are required to help combat the boxy, monolithic look of the buildings. Opening up the existing towers, aside from potentially raising structural issues, tends to make the stairs look more like attachments hanging off of a boxy building.

### **iii. Security**

- As we mentioned at the Study Session, we intend to improve site security through the introduction of controlled access at each building. This involves restricting building entry to one location with key card readers. Only residents of

a building will be able to open that building's front door. Locking mechanisms on stairway doors will be replaced so that they open for egress only.

- We plan to add alarms to individual unit entry doors, as well as to ground floor patio doors and windows.
- Key cards and alarm systems will be managed at the community center management offices.

iv. Parking

- Parking is currently a major challenge on the property. With all of our efforts to create additional parking spaces, we still have fewer than 700 spaces to serve 615 units with over 1,300 bedrooms.
- All compact and standard sized spaces have been called out on the revised site plan.
- A member of the Board suggested we consider reducing the number of parking spaces either through elimination or through replacing some compact spaces with standard spaces to make more room for SUVs. Every space we lose or gain is critical, so we believe this suggestion to be impractical.
- Bicycle parking for the required number of spaces has been incorporated into the site plan.
- We agree with the suggestion that residents be discouraged from using garages for storage. We generally do not think this will be a problem given the limited availability of parking on the property.
- It has been noted that some the gabled roof structures on the last bay of each garage building slightly exceeds the allowable height. We have kept garage heights generally to a minimum through the use of trellis details, but we believe the higher roofs on the end bays are important to provide a variety of roof lines. We are hopeful that the Planning Board will support these few but architecturally important higher roof lines.

**C. Construction**

i. Impact to Neighborhood

- Impact to the surrounding neighborhood should be minimal as the site can accommodate staging for materials and equipment.
- We have been in communication with Code Enforcement and the Planning Department so that the project complies with applicable codes.

**D. Community Outreach**

It was suggested that an effort be made to solicit input from residents and members of the community to help inform our decision-making process.

i. PD/DR Process

We believe that the PD/DR process, with its publicly noticed study sessions and opportunity for public comment, is the primary forum for participation of interested parties. We welcome comments from all interested parties and encourage them to come to the next Study Session on January 24<sup>th</sup> so they can learn more about the project and their voices can be heard.

ii. Website

In addition to the public PD/DR meetings, we are offering website where anyone interested can learn about the project and see slides from our Study Session presentations. More importantly, we are providing a method for people to submit comment on the design and encouraging people to do so. Subsequent to the website's launch early next week, we will notify the public through a press release,

newspaper ads, and postings around the property and neighborhood. We are making a computer workstation available in the property management office for current residents without a computer to view the project and submit their feedback.

#### **IV. Planning Board Jurisdiction**

There seemed to be some confusion at the first Study Session with respects to the scope of the Planning Board's jurisdiction when evaluating applications for Design Review (DR) and Planned Development (PD) approval. We appreciate opinions from all interested parties, and we have responded to many of them in this letter, whether or not they are within the purview of the Board. However, we think it would be most constructive to keep discussion at the second Study Session within the scope of the DR/PD approval process. In response to several questions raised by members of the Planning Board and the public, our findings suggest that the Planning Board's purview is quite clear.

##### **A. The Project**

The project ("Project") as described in the Staff Report includes the following:

- i. the construction of an approximately 6,000 sf community center
- ii. the construction of four detached 3,700 sf garage buildings;
- iii. demolition of most existing carports, except for those along the east of the property, which will be replaced with trellis roof coverings;
- iv. re-striping of parking areas;
- v. exterior improvements to the existing apartment buildings;
- vi. interior improvements to the existing apartment buildings;
- vii. driveway entrance pylons;
- viii. new landscaping;
- ix. replaced fencing

##### **B. Design Review**

With regard to Design Review, improvements subject to review are defined as "the construction of a structure or alteration to the exterior of a structure affixed to real property, which require a building permit." AMC § 30-37-1(b). There are two types of Design Review: Major and Minor.

Improvements subject to Major Design Review include: (1) construction of a new structure for which a building permit is required, unless exempt; (2) additions to nonresidential structures; and (3) additions to residential structures which are greater than eighty square feet, or additions located on a second-story or above. AMC § 30-37-2(a).

Improvement subject to Minor Design Review include: (1) those improvements and additions that are not exempt (listed below) and that are not subject to Major Design Review; (2) improvements, including additions, to residential structures in an area subject to architectural review by a property owner's association; (3) parking lot improvements; (4) paving of City sidewalk planter strips; and (5) signs. AMC § 30-37-2(b).

The following improvements or additions are exempt from any Design Review: interior improvements; replacement-in-kind; skylights; fences; re-roofing, when no structural alterations will take place; foundation work; repair or replacement of retaining walls; and decks thirty inches in height or less. AMC § 30-37-2(c). Under these criteria, the Project's interior renovation of the dwelling units, re-roofing, and the replaced fences are exempt from Design Review.

With regard to Design Review evaluation, the Municipal Code only requires that projects "must be compatible with their site, any adjacent or neighboring buildings or surroundings and promote harmonious transitions in scale and character in areas between different designated land uses." AMC § 30-37-5(a). The Code further provides that Staff's determination of compliance is based on the principles and standards of the design review manual. AMC § 30-37-5(c).

Based upon our communications with City Staff, it is clear that the Project is consistent with the principles and standards of the City's design review manual. If Staff has any concerns regarding the Project's compatibility with the design review manual, please notify us immediately.

### **C. Planned Development**

As you know, despite our many requests, the City cannot locate the original PD approval for the Project site. This is legally unimportant because an R-4-PD zoning district has already been applied to the Project site and because the current development has existed on the Project site for decades. Therefore, the qualifying requirements applicable to establishing a PD district (AMC § 30-4-13(c)) are moot with regard to the existing development. In reviewing the Project, the Planning Board's review is essentially limited to: (1) whether the proposed new construction is a more effective use of the site that is possible under the R-4 designation; and (2) whether it will have a significant adverse effect on adjacent land uses in the City. AMC § 30-4-13(f)(3). To the extent that the first factor is applicable to the Project, it applies only to the community center because garages are permitted in the R-4 district. AMC § 30-5-7. The community center is an effective use of the property because it provides Project residents with a beautiful and functional congregation and activity space that is centrally located, thereby providing an amenity that would otherwise not exist. With regard to the second factor, there is no evidence that the Project will have an adverse effect on adjacent land uses. To the contrary, the Project will benefit adjacent land uses for a variety of reasons, including the basic, undisputed fact that beautifying and renovating the Project site will enhance adjacent property values, reduce crime, and enhance the overall livability of the immediate community.

Under the Municipal Code, the Planning Board's ability to impose conditions of approval is essentially limited to addressing issues regarding traffic congestion or unsafe access, physical suitability of the site for the proposed development and density, substantial environmental damages, and serious public health problems. AMC § 30-4-13(i). The Project does not present any of those issues.

In addition, the PD designation allows the Planning Board to provide exceptions to the underlying zoning district's (R-4, in this case) provisions for minimum lot area and width and maximum building coverage, yards, off-street parking, and height. AMC § 30-4-13(e). Therefore, to the extent exceptions are necessary with regard to parking or building height, such exceptions are within the Planning Board's purview.

### **D. West Alameda Neighborhood Improvement Plan**

Several persons inquired about the Plan and its effect on the Project. As we have already explained, the Plan is still in draft form and is subject to further revision, so Planning Board approval cannot be conditioned upon a Plan that has not been adopted. In addition, it is unclear what level of regulation, if any, is embodied by the Neighborhood Plan. It is not a General Plan amendment or a Specific Plan, and therefore does not

establish land use regulations on the Project site. Instead, the purpose of the Plan appears to be to discuss potential physical public improvements in the area relating to safety, circulation, and aesthetics. (Plan, p. 21.)

As we stated at the Study Session, the Project is being undertaken in a manner so that it will be compatible with its surroundings. To the extent that the Plan suggests what those neighborhood surroundings should eventually look like, we have attempted to design the Project with those suggestions in mind. There are limitations, however, as to what conditions the City can impose upon the Project, regardless of the status of the Neighborhood Plan. For example, the City cannot require us to provide public access over our Project site without just compensation. Under the law, if a city seeks to require a dedication of land as a condition of approval, it has the burden of proving a sufficient "nexus" exists between the required dedication and the impact of the proposed development. In this case, the development proposed by the Project does not create an impact that requires public access over the site. The Project is not cutting off legal public access that previously existed. In fact, it is not adding new fencing along the exterior of the Project site; it is simply replacing some of that existing fencing with more attractive fencing.

#### **V. Conclusion**

We appreciate all of the comments made by members of the Board and public at the first Study Session. We have been as responsive as possible within the confines of existing property conditions and economic practicality. We are hopeful that our comprehensive response to the Board's concerns will lead to a constructive dialogue at the next Study Session and that there will be few if any unresolved issues at the close of that meeting. We look forward to meeting with the Board on January 24<sup>th</sup>.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christopher Auxier', with a stylized, cursive script.

Christopher Auxier  
Alameda Multifamily Ventures, LLC



**CITY OF ALAMEDA  
PLANNING AND BUILDING DEPARTMENT**

**STAFF REPORT**

**ITEM NO.:**

**8-A**

**APPLICATION:**

**PD04-0004/DR04-0113 Alameda Multifamily Ventures, LLC – 433 Buena Vista Avenue** - A second study session to provide the Planning Board and the public an opportunity to comment on the proposed modifications to the Harbor Island Apartments. The proposal includes construction of a new 6,000 square foot community center and four detached sixteen-car garages, exterior modifications to existing apartment buildings, and other site modifications. The site is located at 433 Buena Vista Avenue within the R-4 PD, Neighborhood Residential Planned Development Zoning District.

**GENERAL PLAN:**

Medium Density Residential

**STAFF PLANNER:**

Allen Tai, Planner II

**ENVIRONMENTAL  
DETERMINATION:**

Categorical Exemption from CEQA Guidelines Section - 13501  
Existing Facilities; Section 15303(e) – Accessory Structures

**RECOMMENDATION:**

Accept comments: no action required.

**ACRONYMS:**

AMC – Alameda Municipal Code  
CEQA – California Environmental Quality Act  
PD– Planned Development  
PSA – Permit Streamlining Act

**ATTACHMENTS:**

1. City Attorney Memorandum
2. Revised Project Plans
3. Applicant's correspondence received January 10, 2005
4. Staff correspondence dated December 23, 2004
5. Planning Board Staff Report December 13, 2004
6. Staff correspondence dated December 10, 2004
7. Sketch- Harbor Island site plan with WANIP components

## **I. BACKGROUND**

### **A. Proposal Summary**

The applicants request a second study session to present revisions made to the project plans in response to comments from the December 13, 2004 study session. While a number of details have been modified in the project plans, the primary scope of work remains unchanged.

### **B. Project Timeline**

The application was submitted to the Planning and Building Department on November 12, 2004. Pursuant to Government Code Section 69543, otherwise known as the Permit Streamlining Act (PSA), the City reviewed the application and deemed the project complete within thirty days of the submittal and determined the project to be exempt from CEQA on December 10, 2004. The PSA requires the City to take action on this project within 60 days after determining a project is exempt from the CEQA. Accordingly, an action must be taken on the project by February 8, 2005; however, the PSA also provides a time extension up to 90 days given mutual agreement is established between the City and Applicants. Hence, the applicants agreed to a 20-day extension to coordinate with City staff and the members of the public on revisions to the project and hold a second study session before the Board. With the 20-day extension, the Planning Board must take final action on the Design Review and Planned Development applications by the hearing of February 28, 2005.

### **C. Background**

Since the last study session, Staff found additional information about the history of the Harbor Island Apartments site. According to Planning Board minutes and Building Permit records, the development was known as the Gersten-Tarman Planned Development project when it was reviewed and approved by the Planning Board in April 1962. Federal involvement in the project involved funding provided by Federal Housing Administration. The current conditions at the site were constructed as approved by the Planning Board according to Building Permit records, which contain construction drawings stamped with the Planning Director's approval. Construction of the project occurred during 1965 and 1966. This information does not change the application process and requirements for the proposed project. The Planned Development process in 1962 was different than the current process in that the site plan and elevations required Planning Board approval, but the process for future construction and amendments were not specified. The current proposal is subject to today's PD standards and any future amendments will be subject to review by the Board pursuant to AMC 30-4.13(m).

Since the study session on December 13, 2004, remodeling of the interior of the units have been submitted for plan check to the Permit Center. General interior improvements are not subject to Design Review. At the time of this report, only five building permits have been issued for re-roofing.

As of January 20, 2005, no outstanding code violations are on file with the Code Compliance Division.

## **II. ENVIRONMENTAL REVIEW**

The proposed community center qualifies for Categorical Exemption under CEQA Guidelines Section 15301 – Existing Facilities. This class of the Categorical Exemption includes minor alterations to existing private facilities involving negligible or no expansion of use. The proposed community center and garages do not represent a change in use at the site, and it primarily involves alterations to existing residential apartments; no new dwelling units are being added to the site. Moreover, the community center provides management and leasing functions that already occur on the property, and the community facilities provide additional recreational amenities to the tenants. Finally, the proposed garages are accessory structures, which are also exempt from CEQA pursuant to Section 15303(e). Therefore, the proposed project qualifies for a Categorical Exemption under CEQA and is exempt from further environmental review.

## **III. PROJECT DISCUSSION**

### **A. Planning Board's authority under Planned Development and Design Review**

During the study session of December 13, 2004, the Board inquired about its authority under the Planned Development and Design Review as it pertains to establishing requirements on the project. In response to this question, the City Attorney's Office has provided a memorandum outlining the Board's purview on particular issues raised during the Study Session. This memorandum is provided as Attachment 1.

### **B. Responses to Study Session Comments**

After the last study session, the applicants have met with City staff from various departments on revising project plans to address comments made during the last study session. The following summarizes the revisions and the comments that were addressed.

#### Implementation of the Draft West Alameda Neighborhood Improvement Plan (WANIP):

Comments from staff review and the Planning Board study session addressed the need to enhance pedestrian circulation to and from the site. As a result, the Development Services Department coordinated a meeting with the applicants, Planning staff, and consultant Mike Smiley of the BMS Design Group, who participated in drafting the WANIP document, to address comments that the project should incorporate elements of WANIP. This meeting focused on how the project can incorporate specific elements of WANIP and dealing with uncertainties because the WANIP is in draft form and details about specific components are not available. Despite these concerns, staff and the applicants have agreed to incorporate the Plan elements as concepts into the project site plan. Realization of the actual WANIP components will depend on coordination with Public Works and Planning staff once the WANIP is accepted by the City and implemented. The proposed pedestrian connector components will also eliminate approximately eleven parking spaces. (Attachment 3 Pages 1- 4).

Specifically, the revisions to the Harbor Island renovation project as it relates to WANIP include the following: (Plan Sheet L1.00)

- Pedestrian connectors in northern parking lot to Appezzato Parkway along Fifth Street axis and at north east corner of the property aligned with West Campus Drive.
- Pedestrian connectors along Poggi Street (Woodstock Park Connector) and at corner of Poggi Street and Buena Vista Avenue intersection.
- Traffic calming bulb-out at Poggi Street and Buena Vista Ave. intersection.
- Creation of nine, 15-ft. wide openings in existing Appezzato Parkway wall with decorative fencing material.

#### Pedestrian Circulation:

The concept of introducing public pedestrian pathways through the site was also discussed during the meeting. However, the City cannot legally compel the applicants to provide paths open to the public, as the new construction does not create an impact that would justify public paths. Furthermore, staff's consultation with the Police Department noted that pedestrian-only access through the site is not recommended without providing a means of vehicular access through the property due to the inability of police vehicles to pursue criminals utilizing the pedestrian pathways to escape. After thorough research and review of this issue with various City Departments, staff does not recommend any requirements of public access through the site. Instead, the pedestrian connectors proposed by the applicants in the revisions meet the intent of the WANIP, and provides opportunities for such discussions in the future, when more certainty is available as it relates to the WANIP details and the use of the Beltline property. (Attachment 3 - Page 4)

In terms of the design and configuration of the pedestrian pathways, Staff review of Building Permit records found design drawings showing the existing pathway configuration. This original 1960s landscape design feature pathways that bend around varying contours in the open spaces of the site, as a result forming acute angles along the pathways and leaving vast amounts of paved areas. The applicants are currently seeking to reduce the amount of pavement in the existing pathways, and the plan shows the existing pathways that are not new but are existing pathways that have been trimmed. (Attachment 3, Page 5; Plan Sheet L1.00)

#### Roof Design Alternatives:

The Planning Board asked that the applicants consider incorporating various roof designs and articulation into the elevations as well as considering revisions to the stair tower design. In response, the applicants noted that the modifying the existing flat roofs would be economically impractical and would require major structural alterations to the roofs, which were recently repaired. However, the applicants have presented two alternatives to the treatment of the stair towers; one incorporates a lowered hip roof and the other maintains the original gabled roof design but with a lower profile. The applicants are requesting Planning Board input of the proposed alternatives. (Attachment 3 - Page 7).

#### New Recreational Areas:

The existing site plan at Harbor Islands include one play area adjacent to the east side driveway, one on the west side of the pool, and four small sand box areas dispersed throughout the site. The revised proposal upgrades the play area adjacent to the pool, adds a larger tot lot between buildings 475, 525, and 527, a new volleyball court and lawn area, a grouped picnic/BBQ area, BBQ/picnic tables grouped in four "passive activity areas" located in each of the four quadrants

of the property, and recreational amenities in the proposed community center. The following table provides a comparison of these changes: (Attachment 3 - Pages 5 & 6)

Comparison of Recreation Areas		
	Existing	Proposed
Picnic/BBQ Area	✓	✓
Tot Lots	✓	✓
Sand Boxes	✓	
Pool	✓	✓
Volleyball Court and Lawn		✓
Community Room		✓
Fitness Room		✓
<b>Types of Recreation Areas</b>	<b>4</b>	<b>6</b>

Community Center design and Floor Plan configuration:

The Planning Board questioned the need for office spaces in the community center and the design of the office area on the ground floor and community areas on the upper level. The revised plans show the same floor plan configuration, with the exception that the number of office spaces has been reduced from five to four to accommodate a break room/copy room, and the restrooms serving the community spaces have been enlarged. On the exterior, the trellis structure above the upper level patio along with the supporting columns and stairwell has been removed to provide a larger outdoor patio. Incorporated into this revision is a shade arbor, which is designed to provide a transition area between the community center area and the swimming pool (Attachment 3 Pages 6-7; Plan Sheet A02.17). Showers for the swimming pool will be provided as required by the Alameda County Environmental Health Department.

Parking:

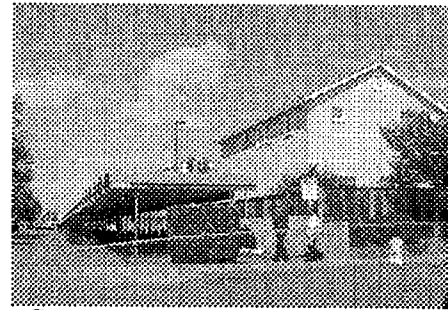
The proposed project does not trigger requirements for additional parking, as no expansion of the existing residential use is proposed. The applicants propose to restripe half of the existing spaces to compact dimensions to add 28 new parking spaces on site, bringing the total number of spaces to 699. The existing west side parking area will also be reconfigured to provide three new spaces for a total of 34 spaces in front of the proposed community center. The Land and Transportation Division of the Public Works Department noted that the center is designed for use of the tenants and should not generate significant parking demand. Standard versus compact parking spaces are now denoted on the site plan, and bicycle racks for approximately 70 bicycles have been added at a number of locations throughout the site. (Plan Sheet L1.00).

Proposed Garages:

The separations between garages has been widened to increase spacing between the structures and to accommodate pedestrian connectors to Appezato Parkway. The proposed gable roof elements above the proposed garages and the existing pool equipment building are proposed at 18'3" and 16'2" respectively, which exceeds the 15' maximum height limit for such structures. The applicants ask that the Board consider this variation as part of the PD approval.

#### Carports along east side:

As requested by the Board, the proposal to replace the existing carports along the east of the property with trellises was reviewed to determine its potential impacts to the neighboring residential development "The Gardens". Staff visit to the site found that The Gardens development is located at a higher grade than the Harbor Island site. By replacing the existing arched carport roofs with trellises, the project will potentially omit the carports from the neighbors' views from the first floor.



Carports along East of property as it relates to neighboring residences

#### Trash Enclosures:

In response to the comment that additional trash enclosures are needed on site, the applicants are considering using existing utility enclosures around the site as dual-purpose enclosures to store utility components and trash containers. Staff recommends that coordination with the Public Works Department be required as a condition of approval for the placement of trash enclosures on the site. Staff also recommends that the proposed trash compactor located at the northeast corner of the property be relocated away from the adjacent "Gardens" residential development due to potential impacts of noise and odor.

#### Structural/Seismic Upgrades:

All work performed under valid permits requires compliance with current building code and safety standards. The applicant's response in the attached correspondence describes their approach on this issue. Compliance with all City requirements related to structural/seismic safety, utility infrastructure, etc. will be required as a condition of approval. (Attachment 3 - Page 8)

#### Site Security:

Since the previous study session, the applicants have coordinated with Police Department staff on enhancing security measures on the site. These issues relate to addressing, security alarms, lighting, etc. (Attachment 6 - Police Department memo). Staff recommends that the project satisfy the Police Department recommendations as a condition of approval.

### **IV. RECOMMENDATION**

The Planning & Building Director recommends that the Planning Board review project plan, hold a public hearing to accept public comments, and give direction to staff on the review of the Planned Development and Design Review applications. A public hearing on this application is tentatively scheduled for February 28, 2005.

G:\PLANNING\PB\Reports\2005\b-Jan 24\88BuenaVista433\_PD04-0004\_DR04-0113studysession2.doc



## City of Alameda • California

February 1, 2005

Chris Auxier  
Alameda Multifamily Ventures, LLC.  
1680 Michigan Avenue. 8<sup>th</sup> Floor  
Miami Beach, FL 33139

RE: Planning Board Study Session Comments for Planned Development Application PD04-0004 and Design Review DR04-0113 at Harbor Island Apartments

Dear Mr. Auxier,

This letter is provided to you as a follow up to the second Planning Board Study Session on January 24, 2005 at which time you and your design team publicly presented the revisions to Fifteen Group's proposal for various modifications and improvements to existing development on the Harbor Island Apartments site. Comments received at this second study session as well as outstanding staff comments on the project are summarized below. These comments are provided for your review and consideration prior to formal Planning Board consideration of your project on February 28, 2005. If you need any further clarification of any of these comments, we are available to assist.

In order for staff to have sufficient time to review any revisions to the project that you may make in response to these comments, and to meet legally required public noticing deadlines, any revisions to the project plans must be submitted to the Department by 5:00 p.m. Monday, February 14, 2005.

### Comments from January 24<sup>th</sup> Study Session:

The following list is compiled based on comments from the public and Board Members at the Planning Board Study Session on January 24, 2005. These comments are not intended to be all inclusive of every comment made during the Study Session. The accompanying draft minutes will provide you with a complete record of the Study Session.

#### A. Site Plan/Design:

1. Verify that the landscaping along Appezzato Parkway compliments the landscaping along Bayport in order to maintain a consistent parkway landscape pattern.
2. Consider revising the landscaping plan to avoid placing trees or other barriers in areas that interrupt natural walking patterns throughout the property.
3. Consider improving pathways to better connect existing apartment buildings to the community center.
4. Consider increasing the number of openings in the existing Appezzato Parkway wall.

Planning & Building Department  
2263 Santa Clara Avenue, Room 190  
Alameda, California 94501-4477  
510.747.6850 • Fax 510.747.6853 • TDD 510.522.7538

Attachment #9

5. Consider widening the separation between the proposed garage buildings to preserve the visual axes and sight lines through the site, especially when viewed from Buena Vista Avenue.

B. Architectural Design Comments:

1. Consider repositioning the gable roofs on the garage to enhance views consistent with comment A5 in the above.
2. Consider revising the original stair tower roof design to use either Alternative 1 or 2 as shown on Sheet PR-2.3.
3. Submit elevation drawings of the proposed garages in context with the apartment buildings.
4. Submit colored elevation drawings of a typical apartment building.
5. Revise the drawings to repeat the actual scale of the entry pylons.

C. Community Center Comments:

1. Identify the location of the showers required for the swimming pool, and demonstrate compliance with requirements by the Alameda County Health Department.

D. Miscellaneous Comments:

1. Continue to coordinate with the Public Works Department on the issue of providing trash enclosures and meeting City requirements.
2. Submit a construction-phasing plan for the project and explain or demonstrate how construction will be phased to minimize impacts to surrounding residential neighborhood and the nearby school.
3. Submit videos of the sewer line and related materials to the Public Works Department for review.
4. Coordinate with AP&T and the Public Works Department on utilities service for the apartment complex (i.e. cable television and garbage pickup)
5. Incorporate Police Department recommendations for a keypad entry system for emergency response access to all buildings.

The comments above are provided for your consideration and response. These comments are in addition to the previous comments attached to the December 10, 2004 staff correspondence. We request you to fully consider and respond to all the comments, as your responses will be presented to the Planning Board when the project is brought before the Board during the February 28<sup>th</sup> public hearing. Please coordinate with the respective City department representatives on outstanding issues. I may be reached at 510.747.6888 if you have any questions about any matters discussed in this letter. We look forward to hearing from you by February 14, 2005.



Sincerely,



Allen Tai  
Planner II

Attachments:

1. Draft Minutes for January 24, 2005 Planning Board hearing.
2. Comments from Cris Banaban, Alameda Power & Telecom
3. Comments from Officer Paul Hischier, Police Department

CC: Planning Board Members

Cory Creath, Axis Architecture, 735 Montgomery Street, San Francisco, CA 94111  
Shaun Alexander, Axis Architecture, 735 Montgomery Street, San Francisco, CA 94111  
David Blackwell, Three Embarcadero Center, 12<sup>th</sup> Floor, San Francisco, CA 94111  
Carol Beaver, Community Development Manager  
Jerry Cormack, Interim Planning and Building Director  
Greg McFann, Building Official  
Barbara Hawkins, Public Works Department  
Suzanne Ota, Recreation and Parks Director  
Paul Hischier, Police Department  
Cris Banaban, Alameda Power and Telecom

G:\PLANNING\CURRCORR\88\2004\BuenaVista433\_PD04-0004\_DR04-0113\BuenaVista433\_PD04-0004\_DR04-0113 Study Session  
CommentsB.doc



February 15, 2005

Allen Tai  
City of Alameda  
Planning and Building Department  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501

RE: Planning Board Study Session Comments for Planned Development Application PD04-0004 and Design Review DR04-0013 at Harbor Island Apartments

Dear Mr. Tai,

Thank you for your letter dated February 2, 2005, which summarized Planning Board comments from the January 24<sup>th</sup> Study Session. This letter is provided as a response.

A. Site Plan/Design

1. Verify that landscaping along Appezzato Parkway compliments the landscaping along Bayport in order to maintain a consistent parkway landscape pattern.

*We appreciate the intention of creating a corridor along Appezzato, but the wide expanse of grass and the City's planned development of a greenbelt in front of our property really make any relationship between the landscaping of Harbor Island and Bayport irrelevant. We feel that our proposed mix of Flowering Pear and Chinese Elm are appropriate and positive for the border of the property.*

2. Consider revising the current landscape plan to avoid placing trees or other barriers in areas that interrupt natural walking patterns.

*We've proposed the best design possible without wholesale demolition, disposal and replacement of all concrete paving on the property. The pathways and landscaping proposed are the best possible given existing conditions, and after reviewing the site plan again, there does not appear to be a problem with interruption of natural walking patterns.*

3. Consider improving pathways to better connect existing apartment buildings to the community center.

*The extensive network of pathways provides each building with multiple pathways to the Community Center.*

FIFTEEN GROUP, LLC  
1680 Michigan Ave  
Eighth Floor  
Miami Beach  
Florida 33139  
305.695.0015  
Fax 305.538.8298  
www.fifteengroup.com

**Attachment #10**



4. Consider increasing the number of openings in the existing Appezzato parkway wall.

*This comment seemed to stem from a misunderstanding in which a member of the Board thought that breaks in the wall were being introduced only at the proposed greenbelt connection points. In fact, our proposal includes regularly spaced breaks along the entire length of the wall.*

5. Consider widening the separation between the proposed garage buildings to preserve the visual axes and sight lines through the site, especially when viewed from Buena Vista Avenue.

*Revisions to the site plan to accommodate existing trash and compactor enclosures include widening the spaces between garage buildings.*

#### B. Architectural Design Comments

1. Consider repositioning the gable roofs on the garage to enhance views consistent with comments A5 above.

*We have repositioned the gable roofs as suggested.*

2. Consider revising the original stair tower roof design to use either Alternative 1 or 2 as shown on Sheet PR-2.3.

*We have revised the roof design as suggested.*

3. Submit elevation drawings of the proposed garages in context with the apartment buildings

*A full elevation along Appezzato Parkways has been created for the current submission.*

4. Submit colored elevation drawings of a typical apartment building.

*Per our telephone conversation with Axis Architecture, color renderings were submitted to the Planning Department along with a color board.*

5. Revise the drawings to repeat the actual scale of the entry pylons.

*While the size of the pylons is acceptable to the Board, the scale was distorted in one of our perspective renderings. A human figure has been added to the elevation drawing for a more accurate reference.*



C. Community Center Comments:

1. Identify location of the showers required for the swimming pool, and demonstrate compliance with requirements by the Alameda County Health Department.

*A pole shower has been added to pool deck area and indicated on the drawings.*

D. Miscellaneous Comments:

1. Continue to coordinate with the Public Works Department on the issue of providing trash enclosures and meeting City requirements.

*Following the Jan 24<sup>th</sup> Study Session, we met with Barbara Hawkins and Maria Di Meglio of the Public Works Department to discuss handling of trash and recycling on the property.*

*Both the Planning Board and the Public Works Department discouraged us from requiring residents to haul their own trash to a centralized facility. As a result, we agreed to look at other workable solutions, such as maintaining the existing satellite trash enclosures or moving to a door-to-door valet system. In follow up correspondence on 1/31/05, Barbara Hawkins confirmed that if the footprint of an existing trash enclosure were not modified, then we would not be required to roof the enclosure.*

*Members of the Planning Board and Planning staff made it clear to us that the proposed location for a trash compactor in the NE corner would not be accepted due to impact issues for nearby residents. In discussions with Public Works and Planning staff, it was determined that any location along the Appezzato wall from the NW Poggi entrance to the existing compactor location would be acceptable.*

*A thorough review of the costs, logistics and benefits of different options resulted in our decision to maintain the trash handling methodology that has worked for years. We will keep our existing compactor enclosure and satellite trash enclosure. We will continue to move trash from satellite enclosures to the compactor with a frequency required to keep pace with container capacity and demand. ACI will continue to haul 20 cubic yard trash containers from the compactor location and commingled recycling containers from the satellite locations. Our site plan has been adjusted to reflect a decrease in parking spots, slight relocation of garages, and the introduction of a turnabout in the middle of the north parking lot.*

*While we are keeping the trash enclosures at this time, eliminating them would certainly enhance the property's aesthetics and free up much needed parking spaces. We continue to evaluate a door-to-door valet or a trash chute system for some or all buildings in the future.*



2. Submit a construction-phasing plan for the project and explain or demonstrate how construction will be phased to minimize impacts to the surrounding residential neighborhood.

*Work will begin on the eastern third of the property, with buildings 501, 521, 523, 535, 525, 527, and 529 fenced off in the very near future. Within this group, buildings 529 and 535 will most likely be the first buildings modified. As the property's occupancy approaches zero, fencing will be expanded westward to include additional buildings.*

*Demolition of carports in the northern and eastern parking lots will provide ample space for on-site staging of equipment. We are happy to accommodate the Board's request that large trucks avoid the Buena Vista entrances.*

3. Submit videos of the sewer and storm drain testing and related materials to the PWD for review.

*Michael Lee is coordinating with the PWD to provide results from recent inspections and testing and to evaluate any additional inspection requirements.*

4. Coordinate with AP&T and the PWD on utilities service for the site (i.e. cable television and garbage pickup).

*Michael Lee met with Mr. Banaban on site and reviewed AP&T's plans for electric utility upgrades. There doesn't appear to be any conflict between our plans and AP&T's plans for improvements to the property.*

5. Incorporate Police Department recommendations for a keypad entry system for emergency response access to all buildings.

*We appreciate the Police Department's question regarding emergency access to buildings. Because access codes can be shared easily, we must keep access to buildings on a card swipe rather than keypad system. Network Multifamily, a nationwide leader in controlled access for multifamily properties, indicated that building entry was generally a non-issue, since emergency services are typically responding to a call from someone in the building, and someone is there to provide access. Our on-site management, maintenance and security personnel would also be able to provide on-call access. Regardless, we have asked Network Multifamily to propose a cost-effective solution that would make police access even easier. We will follow up with Officer Hischier on this topic.*

Allen Tai  
February 15, 2005  
Page 5 of 5



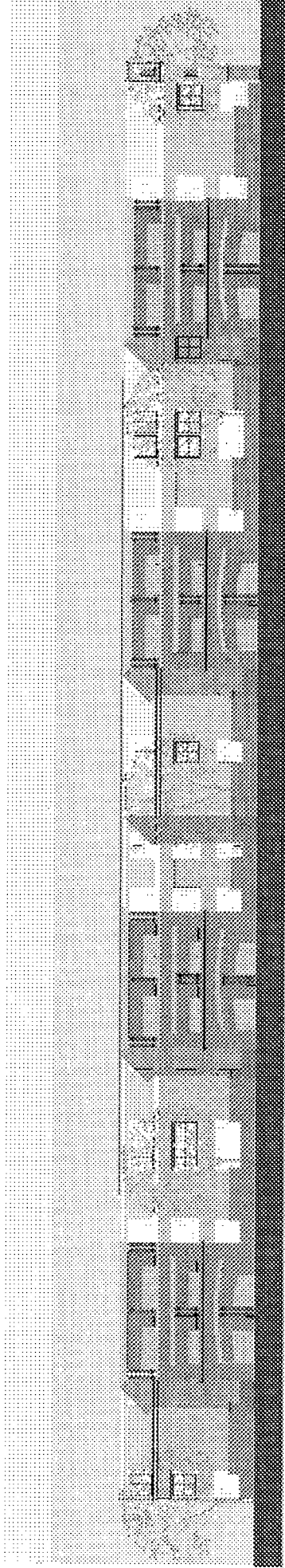
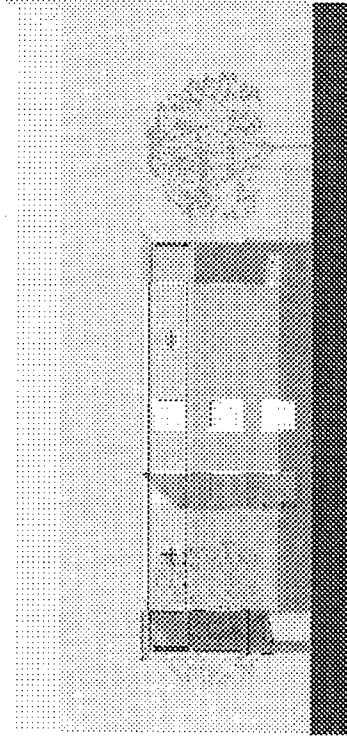
I look forward to seeing you at the final meeting on February 28<sup>th</sup>. Please do not hesitate to contact me should you or other City staff have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christopher Auxier'.

Christopher Auxier  
Alameda Multifamily Ventures, LLC

CC: Cory Creath, Axis Architecture  
Shawn Alexander, Axis Architecture  
Michael Lee, Alameda Multifamily Ventures  
Dave Blackwell, Allen Matkins  
Jerry Cormack, Interim Planning & Building Director - City of Alameda  
Barbara Hawkins, Public works Department - City of Alameda



**AXIS** Architecture + Design

Harbor Island Apartments  
Building-435 Elevation Color Study  
Date : 2.23.05

**Attachment #11**

CITY OF ALAMEDA PLANNING BOARD  
RESOLUTION NO. PB-05-09

APPROVING DESIGN REVIEW NO.: DR04-0113 AND PLANNED DEVELOPMENT NO. PD04-0004 TO CONSTRUCT A 6,000 SQ. FT. COMMUNITY CENTER AND FOUR DETACHED GARAGES, EXTERIOR MODIFICATIONS TO EXISTING BUILDINGS, AND OTHER SITE MODIFICATIONS AT 433 BUENA VISTA AVENUE, LOCATED IN A R-4 PD, NEIGHBORHOOD RESIDENTIAL PLANNED DEVELOPMENT ZONING DISTRICT.

WHEREAS, an application was made on November 12, 2004, by Axis Architecture and Design for Alameda Multifamily Ventures, LLC., requesting Design Review and Planned Development approvals to construct a 6,000 sq. ft. community center and four detached garages, exterior modifications to existing apartment buildings, and other site modifications at 433 Buena Vista Avenue ("Project"); and

WHEREAS, the application was accepted as complete on December 10, 2004; and

WHEREAS, the subject property is designated as Medium Density Residential on the General Plan Diagram; and

WHEREAS, the subject property is located in the R-4 PD, Neighborhood Residential Planned Development Zoning District; and

WHEREAS, the 1962 Planned Development approval recognizes the existing residential use and improvements, including the number of parking spaces, site configuration, building setbacks, open space, building location, recreation facilities, easements, and accessory buildings; and

WHEREAS, the construction of a new structure that requires a building permit and exterior improvements are subject to Design Review pursuant to AMC Subsection 30-37.2(a); and

WHEREAS, site modifications to properties zoned Planned Development are subject to the Planned Development process, pursuant to AMC Subsection 30-4.13(c); and

WHEREAS, the Planning Board held study sessions on this application on December 13, 2004 and January 24, 2005 to take public testimony and comments on the proposed design of the Project; and

WHEREAS, the applicants have worked with the City to address the comments raised during Project review; and

WHEREAS, the Planning Board held a public hearing on this application on February 28, 2005 and has made the following findings relevant to the Planned Development application:

1. **The Planned Development would allow for a more effective use of the site than is possible under the regulations of the underlying district with which the Planned Development District is combined because it provides an opportunity to carry out improvements customized for**



large multifamily developments, such as the community center and multi-car garages, where no provisions are available in the underlying district for such facilities.

2. **The Project meets the Planned Development requirements** because the proposed community center and detached garages are accessory uses to the primary residential use. The proposed community center and detached garages do not represent a change or expansion in use of the site. The recreational uses and administrative functions proposed in the community center are uses that already exist and will be relocated on the site. The uses will be exclusively by the residents of Harbor Island Apartments and their guests.
3. **The Project is consistent with the General Plan** because the Project seeks to enhance the existing residential property by adding recreational amenities and upgrading the aesthetic character of the existing buildings. As a result, the Project conforms to General Plan Guiding Policy 2.4.a., which recommends maintenance and enhancement of the residential environment of Alameda's neighborhoods.
4. **The Project will not have a significant effect on adjacent land uses** because it will be located on a developed site, and would not result in a significant increase in traffic, pedestrian volume, or parking demand. Furthermore, there will be no adverse effects on aesthetics, open space, noise, or circulation.
5. **The Project will not adversely affect parking** because the complex already provides parking spaces for management and leasing functions along Poggi Street. With the relocation of those functions to the proposed community center, the parking spaces for the office use would be moved from Poggi Street to the existing parking area in front of the new building. This change of location will be beneficial to the city by reducing the frequent ingress/egress pattern generated by the existing management office at the corner of Poggi Street and Buena Vista Avenue. Furthermore, additional off-street parking spaces will be created as a result of the Project.
6. **The Project will not adversely affect open space**, because although the proposed community center would eliminate three picnic tables and two grills in front of the swimming pool, other picnic areas and recreational spaces are proposed in various locations on the site. The fitness room, community room and outdoor patios in the community center will enhance recreational opportunities by providing a greater diversity of activities for the residents.
7. **The site is physically suited for the type of development**, because the site is fully developed and the proposed community center and garages are accessory to the existing residential use.
8. **The site is physically suited for the proposed density** because the proposed community center will be providing services to residents who are already on the site. No additional dwelling units are being created and no significant traffic demand will be generated as a result of this Project.

WHEREAS, the Planning Board held a public hearing on this application on February 28, 2005 and has made the following findings relevant to the Design Review application:

1. **The Project will have no adverse effects on persons or property in the vicinity**, because the Project consists of improving amenities to residents of the complex and the process requires all construction to meet current codes and safety standards.
2. **The Project is compatible and harmonious with the design and use of surrounding properties**, because the exterior design of the new structures and renovated buildings incorporate common architectural features representative of Alameda's character, and when all conditions of approval are met, the Project design will be compatible and harmonious with the surrounding properties.
3. **The Project is consistent with the City's Design Review Guidelines**, because the Project incorporates elements to integrate the site with the surrounding neighborhood as well as enhancing the design of the existing buildings; therefore the Project is consistent with the City's Design Review Guidelines.

NOW, THEREFORE, BE IT RESOLVED THAT the Planning Board of the City of Alameda hereby determines that the proposal is Categorically Exempt under California Environmental Quality Act Guidelines, Section 15301 – Existing Facilities, Section 15302 - replacement or reconstruction of existing structures and facilities; Section 15303 - New Construction or Conversion of Small Structures, Section 15304(b) - Landscaping; and Section 15061(b)(3) – Where it can be seen with certainty that there is no possibility that the Project may have a significant effect on the environment, the activity is not subject to CEQA.

BE IT FURTHER RESOLVED THAT the Planning Board of the City of Alameda hereby approves Design Review DR04-0113 and Planned Development PD04-0004, subject to the following conditions:

1. **APPROVED PLANS.** The Project shall be completed in substantial compliance with plans prepared by Axis Architecture + Design, titled "Harbor Island Apartments Design & Planned Development Review," consisting of forty-seven (47) sheets, dated February 15, 2005 marked as "Exhibit A", on file in the City of Alameda Planning and Building Department, subject to the conditions specified in this resolution.
2. Amendments to this Planned Development approval shall be required when improvements fall within the criteria specified in AMC Subsection 30-4.13(m).
3. Project improvements affecting electrical service shall be coordinated with Alameda Power and Telecom.
4. All Project improvements shall conform to the requirements of the 2001 California Building Standards Code and Alameda Building, Plumbing, Mechanical, and Electrical Codes.
5. All Project improvements shall conform to the applicable requirements of the Fire Department, which may include, but not limited to, the installation of Fire Sprinklers and Fire Alarms, to the satisfaction of the Fire Chief.

6. The applicants shall coordinate with the Police Department to ensure that the Project complies with public safety requirements noted in the Police Department memorandum to Planning staff dated December 7, 2004, as amended by subsequent communications between the applicant and the City, to the satisfaction of the Chief of Police and the Planning and Building Director.
7. The applicants shall coordinate with the Public Works Department to ensure that all components of the Project complies with city regulations, including but not limited to, urban runoff standards, sewer testing and maintenance, garbage disposal requirements, integrated waste requirements, and improvements affecting the public right-of-way, to the satisfaction of the Public Works Director and the Planning and Building Director.
8. If changes to the approved landscaping plan along Buena Vista Avenue are necessary, the applicants shall coordinate with the Public Works Department on the review and implementation of the changes.
9. Damage to the sidewalks and pavement in the public right-of-way caused by and related to the Project improvements shall be repaired and replaced by the applicants, to the satisfaction of the Public Works Director.
10. Prior to issuance of Building Permits for the Project, the applicants shall submit a Construction-Phasing Plan, subject to the approval of the Public Works Director and the Planning and Building Director.
11. Demolition and construction within the City of Alameda are subject to the Construction and Demolition Debris Ordinance (Section 21-24-1). The Alameda Municipal Code states that all construction and debris within the City shall be collected and transported through the streets of the City by franchise or permitted hauler (Section 21-20-3).
12. The applicants shall comply with Alameda Municipal Code Subsection 21-41.1, which currently requires the owner or occupant of any premise to subscribe to and pay for all integrated waste collection with the City's franchisee, for integrated waste collection services.
13. The applicants shall comply with Alameda Municipal Code Subsection 21-41.1, which currently requires that collection of solid waste from residential areas, regardless of collection receptacle, cart, bin or compactor, be collected a minimum of one time per week (per State of California Public Resources Code (40000 et seq.)).
14. Compactor Monitoring. Compactor size is limited to 10 to 50 cubic yards per the City's Franchise Agreement and sized to handle the waste generated at a minimum of once a week service with a legal gross weight of no more than 10 tons. An Integrated Waste Disposal Plan that includes the use of a compactor shall be approved by the Public Works Director prior to Certificate of Occupancy. The Plan is to be based upon the development's full capacity and a monitoring and evaluation program, with monitoring and evaluation criteria approved by the City, implemented for a minimum of six (6) months after full capacity has been reached. If the monitoring program demonstrates the Integrated Waste Disposal Plan does not meet the City standards, the City shall require a revised and approved Integrated Waste Disposal Plan be implemented within one

month's notice, or the City shall have the right to implement the City's Program if, in its sole discretion, the proposed program is not or has not achieved the City's program goals and objectives.

15. Use of Trash Removal Train System. Trash removal train system must be covered, have watertight bodies designed to prevent leakage, spillage or overflow water tight and meet or exceed all requirements of the State Regional Water Quality Board and Bay Area Air Quality Management District. Failure to comply with State requirements may result in prohibition of train use.
16. Construction noise shall be minimized by restricting construction activities to the daytime hours specified by the Alameda Municipal Code. The current provisions limit construction to Monday through Friday, between 7 a.m. and 7 p.m., and on Saturday between 8 a.m. and 5 p.m., with no Sunday construction.
17. The proposed garages shall be used exclusively for vehicular parking only, with the exception of four garage spaces in Garage A, depicted on Sheets A0.50 and A02.18, which may be designated for site maintenance activities, equipment, and vehicles.
18. Final plans submitted for Building Permits for the Project shall include a window schedule that specifies the proposed window material, size, type of opening as well as include a section detail of the window, to the satisfaction of the Planning and Building Director.
19. Prior to issuance of Building Permits for the Project, the applicants shall sign and record with the County Recorder's office a Landscape and Common Area Maintenance Agreement with the City.
20. Prior to issuance of Building Permits for the Project, the applicants shall provide a Detailed Landscaping Plan that is consistent with the approved plans referred to in Condition #1 to identify the specific locations of all trees, shrubs, groundcover, and pedestrian pathways on the site. The Detailed Landscaping Plan may include a phasing strategy to accommodate Project construction, subject to the approval of the Planning and Building Director. The Detailed Landscaping Plan shall also include details of the irrigation system to demonstrate compliance with the Water Conservation requirements of AMC Subsection 30-59.3.
21. Landscaping according to the approved Detailed Landscaping Plan referenced in Condition #20 shall be completely installed prior to Final Design Review Inspection of the final phase according to the approved Construction-Phasing Plan. Alternatively, the applicant may provide appropriate bonding security at 125% of the cost of installation of the approved landscaping to ensure that the landscaping will be installed.
22. The applicants shall coordinate with the City during the implementation of the West Alameda Neighborhood Improvement Plan and related improvements when the Plan is adopted and implemented by the City.
23. All Time and Material charges for this application shall be paid in full prior to issuance of Building Permits for the Project.

24. Any new signage for the site shall be subject to a separate Sign Permit review and approval; signage for site traffic shall be subject to the approval of the Public Works Director.
25. Prior to issuance of Building Permits for the Project, the applicants shall coordinate with the Recreation and Parks Director and Planning and Building Director on the payment of the Public Art Fee for the proposed Community Center and to ensure compliance with AMC Subsection 30-65.
26. VESTING. The Design Review and Planned Development approval shall expire one (1) year after the date of approval or by **February 28, 2006**, unless actual construction of the Project has begun within that time or, alternatively, an extension request is filed and approved by the Planning Board prior to the date of expiration.
27. HOLD HARMLESS. The City of Alameda requires as a condition of this approval that the applicant, or its successors in interest, defend, indemnify, and hold harmless the City of Alameda or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City concerning the subject property, which action is brought within the time period provided for in Government Code Section 65009(c). The City of Alameda shall cooperate promptly, notify the applicant of any claim, action or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or the City fails to cooperate fully in the defense, the applicant shall not hereafter be responsible to defend, indemnify, or hold harmless the City.
28. ACKNOWLEDGMENT OF CONDITIONS. The applicant shall acknowledge in writing all of the conditions of approval and must accept this permit subject to those conditions and with full awareness of the applicable provisions of Chapter 30 of the Alameda Municipal Code in order for this approval to be exercised.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE. The Conditions of Project Approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. You are hereby further notified that the 90-day appeal period in which you may protest these fees and other exactions, pursuant to Government Code Section 66020(a) has begun. If you fail to file a protest within this 90-day period complying with all the requirements of Section 66020, you will be legally barred from later challenging such fees or exactions.

The decision of the Planning Board shall be final unless appealed to the City Council, in writing and within ten (10) days of the decision, by filing with the Planning and Building Department a written notice of appeal stating the basis of appeal and paying the required fees.

PASSED AND ADOPTED by the Planning Board of the City of Alameda on February 28,


2005 by the following vote:

AYES: (4) Kohlstrand, Lynch, Cunningham, McNamara

NOES: (2) Cook, Mariani

ABSENT: (1) Piziali

ATTEST:

  
\_\_\_\_\_  
Jerry Cormack, Interim Secretary  
City Planning Board

---

**Acknowledgment of Conditions:**

I hereby acknowledge receipt of Planning Board Resolution No. PB-05-10 for the Planning Board's approval of Planned Development PD04-0004 and Major Design Review DR04-0113, approved on February 28, 2005, and in accordance with Conditions herein, I hereby verify that I understand and agree to comply with the Conditions of Approval of said Planning Board Resolution No. PB-05-10 and the applicable provisions of Chapter 30 of the Alameda Municipal Code (Zoning Ordinance).

Executed at: \_\_\_\_\_ By: \_\_\_\_\_  
City Applicant

On: \_\_\_\_\_  
Date Title

**APPLICANT MUST FILL OUT AND RETURN TO THE PLANNING DEPARTMENT**

G:\PLANNING\PB\Resolutions\2005\d- Feb28\Buena Vista433\_PD04-0004reso.doc

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_

UPHOLDING THE PLANNING BOARD OF THE CITY OF ALAMEDA'S DECISION TO APPROVE DESIGN REVIEW DR04-0113 AND PLANNED DEVELOPMENT PD04-0004 TO CONSTRUCT A 6,000 SQ. FT. COMMUNITY CENTER AND FOUR DETACHED GARAGES, EXTERIOR MODIFICATIONS TO EXISTING BUILDINGS, AND OTHER SITE MODIFICATIONS AT THE 615 UNIT HARBOR ISLAND APARTMENT COMPLEX LOCATED AT 433 BUENA VISTA AVENUE, LOCATED IN AN R-4 PD, NEIGHBORHOOD RESIDENTIAL PLANNED DEVELOPMENT ZONING DISTRICT

WHEREAS, an application was made on November 12, 2004, by Alameda Multifamily Ventures, LLC., requesting Design Review and Planned Development approvals to construct a 6,000 sq. ft. community center and four detached garages, exterior modifications to existing apartment buildings, and other site modifications at 433 Buena Vista Avenue ("Project"); and

WHEREAS, the subject property is designated as Medium Density Residential on the General Plan Diagram; and

WHEREAS, the subject property is located in the R-4 PD, Neighborhood Residential Planned Development Zoning District; and

WHEREAS, the Planning Board held study sessions on this application on December 13, 2004 and January 24, 2005 to take public testimony and comments on the proposed design of the Project and approved the Project after a public hearing on February 28, 2005; and

WHEREAS, on April 5, 2005 the City Council of the City of Alameda held a public hearing for the appeal of the Planning Board's approval and examined pertinent documents as well as the record of the Planning Board hearing; and

WHEREAS, the City Council makes the following findings relevant to the Planned Development application:

1. The Planned Development would allow for a more effective use of the site than is possible under the regulations of the underlying district with which the Planned Development District is combined because it provides an opportunity to carry out improvements customized for large multifamily developments, such as the community center and multi-car garages, where no provisions are available in the underlying district for such facilities.
2. The Project meets the Planned Development requirements because the proposed community center and detached garages are accessory uses to the primary residential use. The proposed community center and detached garages do not represent a change or expansion in use of the site. The recreational uses and administrative functions proposed in the community center are uses that already exist and will be relocated on the site. The uses will be exclusively by the residents of Harbor Island Apartments and their guests.

Approved as to Form

3. The Project is consistent with the General Plan because the Project seeks to enhance the existing residential property by adding recreational amenities and upgrading the aesthetic character of the existing buildings. As a result, the Project conforms to General Plan Guiding Policy 2.4.a., which recommends maintenance and enhancement of the residential environment of Alameda's neighborhoods.
4. The Project will not have a significant effect on adjacent land uses because it will be located on a developed site, and would not result in a significant increase in traffic, pedestrian volume, or parking demand. Furthermore, there will be no adverse effects on aesthetics, open space, noise, or circulation.
5. The Project will not adversely affect parking because the complex already provides parking spaces for management and leasing functions along Poggi Street. With the relocation of those functions to the proposed community center, the parking spaces for the office use would be moved from Poggi Street to the existing parking area in front of the new building. This change of location will be beneficial to the city by reducing the frequent ingress/egress pattern generated by the existing management office at the corner of Poggi Street and Buena Vista Avenue. Furthermore, additional off-street parking spaces will be created as a result of the Project.
6. The Project will not adversely affect open space, because although the proposed community center would eliminate three picnic tables and two grills in front of the swimming pool, other picnic areas and recreational spaces are proposed in various locations on the site. The fitness room, community room and outdoor patios in the community center will enhance recreational opportunities by providing a greater diversity of activities for the residents.
7. The site is physically suited for the type of development, because the site is fully developed and the proposed community center and garages are accessory to the existing residential use.
8. The site is physically suited for the proposed density because the proposed community center will be providing services to residents who are already on the site. No additional dwelling units are being created and no significant traffic demand will be generated as a result of this Project.

WHEREAS, the City Council makes the following findings relevant to the Design Review application:

1. The Project will have no adverse effects on persons or property in the vicinity, because the Project consists of improving amenities to residents of the complex and the process requires all construction to meet current codes and safety standards.
2. The Project is compatible and harmonious with the design and use of surrounding properties, because the exterior design of the new structures and renovated buildings incorporate common architectural features representative of Alameda's character, and when all conditions of approval are met, the Project design will be compatible and harmonious with the surrounding properties.



3. The Project is consistent with the City's Design Review Guidelines, because the Project incorporates elements to integrate the site with the surrounding neighborhood as well as enhancing the design of the existing buildings; therefore the Project is consistent with the City's Design Review Guidelines.

NOW, THEREFORE BE IT RESOLVED that the City Council finds that the project is Categorically Exempt under California Environmental Quality Act Guidelines, Section 15301 – Existing Facilities, Section 15302 - replacement or reconstruction of existing structures and facilities; Section 15303 - New Construction or Conversion of Small Structures, Section 15304(b) - Landscaping; and Section 15061(b)(3) – Where it can be seen with certainty that there is no possibility that the Project may have a significant effect on the environment, the activity is not subject to CEQA.

NOW, THEREFORE BE IT RESOLVED that the City Council denies the appeal and upholds the Planning Board's approval of Design Review DR04-0113 and Planned Development PD04-0004 to construct a 6,000 Sq. Ft. Community Center and Four Detached Garages, exterior modifications to existing buildings, and other site modifications at the 615 unit Harbor Island Apartment Complex located at 433 Buena Vista Avenue, subject to the following conditions:

1. APPROVED PLANS. The Project shall be completed in substantial compliance with plans prepared by Axis Architecture + Design, titled "Harbor Island Apartments Design & Planned Development Review," consisting of forty-seven (47) sheets, dated February 15, 2005 marked as "Exhibit A", on file in the City of Alameda Planning and Building Department, subject to the conditions specified in this resolution.
2. Amendments to this Planned Development approval shall be required when improvements fall within the criteria specified in AMC Subsection 30-4.13(m).
3. Project improvements affecting electrical service shall be coordinated with Alameda Power and Telecom.
4. All Project improvements shall conform to the requirements of the 2001 California Building Standards Code and Alameda Building, Plumbing, Mechanical, and Electrical Codes.
5. All Project improvements shall conform to the applicable requirements of the Fire Department, which may include, but not limited to, the installation of Fire Sprinklers and Fire Alarms, to the satisfaction of the Fire Chief.
6. The applicants shall coordinate with the Police Department to ensure that the Project complies with public safety requirements noted in the Police Department memorandum to Planning staff dated December 7, 2004, as amended by subsequent communications between the applicant and the City, to the satisfaction of the Chief of Police and the Planning and Building Director.
7. The applicants shall coordinate with the Public Works Department to ensure that all components of the Project complies with city regulations, including but not limited to, urban runoff standards, sewer testing and maintenance, garbage disposal requirements, integrated waste requirements,

and improvements affecting the public right-of-way, to the satisfaction of the Public Works Director and the Planning and Building Director.

8. If changes to the approved landscaping plan along Buena Vista Avenue are necessary, the applicants shall coordinate with the Public Works Department on the review and implementation of the changes.
9. Damage to the sidewalks and pavement in the public right-of-way caused by and related to the Project improvements shall be repaired and replaced by the applicants, to the satisfaction of the Public Works Director.
10. Prior to issuance of Building Permits for the Project, the applicants shall submit a Construction-Phasing Plan, subject to the approval of the Public Works Director and the Planning and Building Director.
11. Demolition and construction within the City of Alameda are subject to the Construction and Demolition Debris Ordinance (Section 21-24-1). The Alameda Municipal Code states that all construction and debris within the City shall be collected and transported through the streets of the City by franchise or permitted hauler (Section 21-20-3).
12. The applicants shall comply with Alameda Municipal Code Subsection 21-41.1, which currently requires the owner or occupant of any premise to subscribe to and pay for all integrated waste collection with the City's franchisee, for integrated waste collection services.
13. The applicants shall comply with Alameda Municipal Code Subsection 21-41.1, which currently requires that collection of solid waste from residential areas, regardless of collection receptacle, cart, bin or compactor, be collected a minimum of one time per week (per State of California Public Resources Code (40000 et seq.)).
14. Compactor Monitoring. Compactor size is limited to 10 to 50 cubic yards per the City's Franchise Agreement and sized to handle the waste generated at a minimum of once a week service with a legal gross weight of no more than 10 tons. An Integrated Waste Disposal Plan that includes the use of a compactor shall be approved by the Public Works Director prior to Certificate of Occupancy. The Plan is to be based upon the development's full capacity and a monitoring and evaluation program, with monitoring and evaluation criteria approved by the City, implemented for a minimum of six (6) months after full capacity has been reached. If the monitoring program demonstrates the Integrated Waste Disposal Plan does not meet the City standards, the City shall require a revised and approved Integrated Waste Disposal Plan be implemented within one month's notice, or the City shall have the right to implement the City's Program if, in its sole discretion, the proposed program is not or has not achieved the City's program goals and objectives.
15. Use of Trash Removal Train System. Trash removal train system must be covered, have watertight bodies designed to prevent leakage, spillage or overflow water tight and meet or exceed all requirements of the State Regional Water Quality Board and Bay Area Air Quality Management District. Failure to comply with State requirements may result in prohibition of train use.

16. Construction noise shall be minimized by restricting construction activities to the daytime hours specified by the Alameda Municipal Code. The current provisions limit construction to Monday through Friday, between 7 a.m. and 7 p.m., and on Saturday between 8 a.m. and 5 p.m., with no Sunday construction.
17. The proposed garages shall be used exclusively for vehicular parking only, with the exception of four garage spaces in Garage A, depicted on Sheets A0.50 and A02.18, which may be designated for site maintenance activities, equipment, and vehicles.
18. Final plans submitted for Building Permits for the Project shall include a window schedule that specifies the proposed window material, size, type of opening as well as include a section detail of the window, to the satisfaction of the Planning and Building Director.
19. Prior to issuance of Building Permits for the Project, the applicants shall sign and record with the County Recorder's office a Landscape and Common Area Maintenance Agreement with the City.
20. Prior to issuance of Building Permits for the Project, the applicants shall provide a Detailed Landscaping Plan that is consistent with the approved plans referred to in Condition #1 to identify the specific locations of all trees, shrubs, groundcover, and pedestrian pathways on the site. The Detailed Landscaping Plan may include a phasing strategy to accommodate Project construction, subject to the approval of the Planning and Building Director. The Detailed Landscaping Plan shall also include details of the irrigation system to demonstrate compliance with the Water Conservation requirements of AMC Subsection 30-59.3.
21. Landscaping according to the approved Detailed Landscaping Plan referenced in Condition #20 shall be completely installed prior to Final Design Review Inspection of the final phase according to the approved Construction-Phasing Plan. Alternatively, the applicant may provide appropriate bonding security at 125% of the cost of installation of the approved landscaping to ensure that the landscaping will be installed.
22. The applicants shall coordinate with the City during the implementation of the West Alameda Neighborhood Improvement Plan and related improvements when the Plan is adopted and implemented by the City.
23. All Time and Material charges for this application shall be paid in full prior to issuance of Building Permits for the Project.
24. Any new signage for the site shall be subject to a separate Sign Permit review and approval; signage for site traffic shall be subject to the approval of the Public Works Director.
25. Prior to issuance of Building Permits for the Project, the applicants shall coordinate with the Recreation and Parks Director and Planning and Building Director on the payment of the Public Art Fee for the proposed Community Center and to ensure compliance with AMC Subsection 30-65.

26. **VESTING.** The Design Review and Planned Development approval shall expire one (1) year after the date of approval or by **February 28, 2006**, unless actual construction of the Project has begun within that time or, alternatively, an extension request is filed and approved by the Planning Board prior to the date of expiration.
27. **HOLD HARMLESS.** The City of Alameda requires as a condition of this approval that the applicant, or its successors in interest, defend, indemnify, and hold harmless the City of Alameda or its agents, officers, and employees from any claim, action, or proceeding against the City or its agents, officers, and employees to attack, set aside, void, or annul, an approval of the City concerning the subject property, which action is brought within the time period provided for in Government Code Section 65009(c). The City of Alameda shall cooperate promptly, notify the applicant of any claim, action or proceeding and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any claim, action, or proceeding, or the City fails to cooperate fully in the defense, the applicant shall not hereafter be responsible to defend, indemnify, or hold harmless the City.
28. **ACKNOWLEDGMENT OF CONDITIONS.** The applicant shall acknowledge in writing all of the conditions of approval and must accept this permit subject to those conditions and with full awareness of the applicable provisions of Chapter 30 of the Alameda Municipal Code in order for this approval to be exercised.

NOTICE. No judicial proceedings subject to review pursuant to California Code of Civil Procedure Section 1094.5 may be prosecuted more than ninety (90) days following the date of this decision plus extensions authorized by California Code of Civil Procedure Section 1094.6.

NOTICE. The Conditions of Project Approval set forth herein include certain fees and other exactions. Pursuant to Government Code Section 66020(d)(1), these Conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations and other exactions. You are hereby further notified that the 90-day appeal period in which you may protest these fees and other exactions, pursuant to Government Code Section 66020(a) has begun. If you fail to file a protest within this 90-day period complying with all the requirements of Section 66020, you will be legally barred from later challenging such fees or exactions.

\*\*\*\*\*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

---

Lara Weisiger, City Clerk  
City of Alameda

CITY OF ALAMEDA ORDINANCE NO. \_\_\_\_  
New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY AMENDING SECTION 30-2 (DEFINITIONS); AMENDING SUBSECTION 30-3.2 (COMBINING DISTRICTS); ADDING A NEW SUBSECTION 30-4.22 (T-THEATRE COMBINING DISTRICT); AND RECLASSIFYING AND REZONING CERTAIN PROPERTIES WITHIN THE CITY OF ALAMEDA TO INCLUDE THE THEATRE COMBINING DISTRICT.

BE IT ORDAINED by the City Council of the City of Alameda that:

Section 1. Subsection 30-2(b) of the Alameda Municipal Code is hereby amended to include the following additional definitions in the appropriate places in the alphabetical structure of that Subsection:

*"Multiple screen theatre"* is a theatre designed for the exhibition of movies that contains two or more auditoriums or separate rooms for the display of movies.

*"Theatre"* includes movie and live theatres and other structures designed for public exhibitions but, as to movie theatres, does not include a multiple screen theatre.

Section 2. Subsection 30-3.2 of the Alameda Municipal Code is hereby amended to include the following additional combining district at the end of that subsection:

"T Theatre overlying combining.

Section 3. Section 30-4 of the Alameda Municipal Code is hereby amended to add a subsection 30-4.22 as follows:

Subsection 30-4.22 T, Theatre Combining District.

- a. *General.* The following regulations shall apply in all districts which are combined T Districts and uses of land in such combined districts shall be subject to the provisions of Section 30-4; provided, however, that wherever conflict in regulations occurs, the regulations of this subsection shall govern.
- b. *Uses Permitted.* All uses permitted in the respective district with which the T District is combined.
- c. *Uses Requiring Use Permits.* It is the intent of this paragraph that the following uses shall be reviewed by the Planning Board for the appropriateness in a

specific location, or for such other factors as safety, congestion, noise, and similar considerations

1. Auditoria,
2. Multiple-screen theaters
3. Theaters, both movie and live,
4. Other places of public assembly,
5. All uses permitted pursuant to a Use Permit in the respective district with which the T District is combined.

d. *Special Parking Requirements.* In addition to the findings in Section 30-21.3, the Planning Board may authorize the issuance of a Use Permit only if the proposed parking (i) is adequate to serve the use's peak parking demand as estimated by a study satisfactory to the Planning and Building Director and (ii) complies with all other applicable provisions of section 30-7 of this chapter.

e. *Special Signage Requirements.* Every use permitted under paragraph c. of this subsection may include signs provided that individual standards shall be established for each project in conjunction with the approval required by paragraph c. Requirements for similar uses discussed in this article shall serve as guidelines. All signs, temporary and permanent, shall be approved by the Planning and Building Director pursuant to a coordinated signing program for each project. The program shall coordinate:

- (i) Location, number, size and mode of display.
- (ii) Colors, materials and illumination.
- (iii) Temporary signs: duration of use.

Section 4. Zoning Map Amendment. Section 116 of Ordinance 1277, N.S. is hereby amended by reclassifying and rezoning from C-C (Community Commercial) and C-C-PD (Community Commercial - Planned Development) to C-C-T (Community Commercial - Theater) all the real property situated within the City of Alameda, County of Alameda, State of California, as depicted on Exhibit "A" to this ordinance.

Section 5. The above amendment shall be known as and referenced to as Reclassification and Rezoning Amendment No. 196 to Ordinance No. 1277 N.S.

Section 6. Severability. Should any provision of this Ordinance or its application to any person or property be found by a court of competent jurisdiction to be invalid or unenforceable, the remaining provisions hereof shall be enforceable according to their terms and to that end the provisions of this Ordinance are severable.

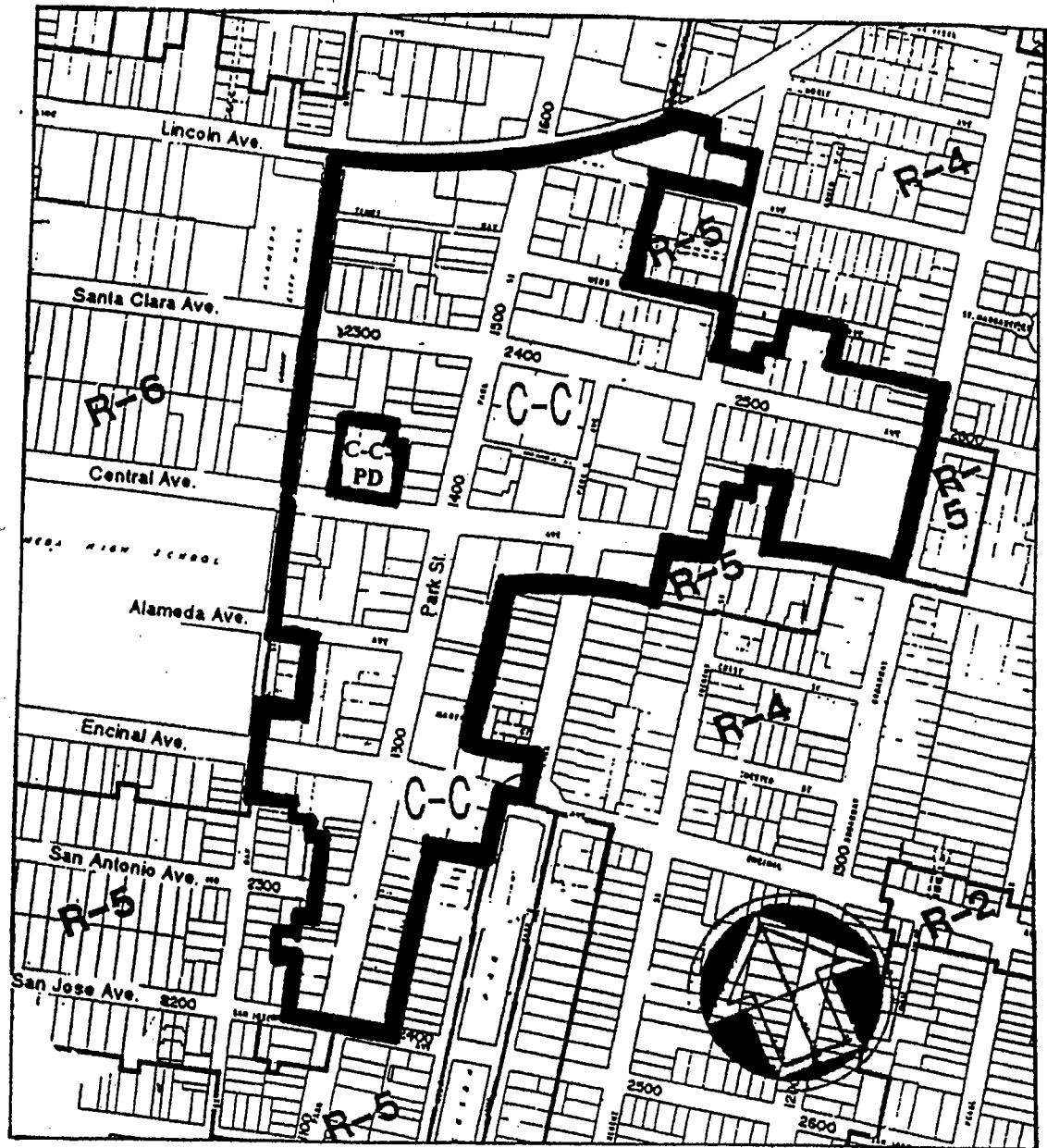
Section 7. Construction. To the extent the provisions of the Alameda Municipal Code as amended by this Ordinance are substantially the same as the previous provisions of that Code, they shall be construed as continuations of those previous provisions and not as new enactments.

Section 8.      Effective Date. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

\* \* \* \* \*



Rezoning of the Park Street Business District to C-C



I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

---

Lara Weisiger, City Clerk  
City of Alameda

CITY OF ALAMEDA ORDINANCE NO. \_\_\_\_\_  
New Series

AMENDING THE ALAMEDA MUNICIPAL CODE BY AMENDING SECTION 30-2 (DEFINITIONS) OF ARTICLE I (ZONING DISTRICTS AND REGULATIONS) OF CHAPTER XXX (DEVELOPMENT REGULATIONS) BY ADDING A NEW DEFINITION (*SIGNS*); REPEALING SECTION 30-6 (SIGN REGULATIONS) IN ITS ENTIRETY AND ADDING A NEW SECTION 30-6 (SIGN REGULATIONS) TO CHAPTER XXX (DEVELOPMENT REGULATIONS)

BE IT ORDAINED by the City Council of the City of Alameda that:

Section 1. The Alameda Municipal Code is hereby amended by adding a new definition "*Signs*" to Section 30-2 (Definitions) of Article I, Zoning Districts and Regulations) of Chapter XXX (Development Regulations) to read as follows:

**30-2 DEFINITIONS**

*Sign* shall mean any object, device, display, or structure, or part thereof, situated either outdoors, or indoors in such a manner as to be primarily viewed from the outside, which is used to advertise, identify, display, direct, or attract attention to a business, organization, institution, service, event, object, product or location by any means including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The term "sign" shall include any structure which is erected or used for sign purposes, upon which the sign is placed including sign statuary, or which was once used for signage.

Section 2. The Alameda Municipal Code is hereby amended by repealing Section 30-6 (Sign Regulations) of Chapter XXX (Development Regulations) in its entirety.

Section 3. The Alameda Municipal Code is hereby amended by adding a new Section 30-6 (Sign Regulations) to Chapter XXX (Development Regulations) to read as follows:

**30-6 SIGN REGULATIONS**

**30-6.1 In General; On-Premises and Off-Premises Signs.**

- a. *General Regulation.* Signs as defined in Section 30-2, are further defined in subsection 30-6.2, and are permitted in all zoning districts, but shall be designed, erected, altered, moved, removed, or maintained in whole or in part in accordance with the regulations *prescribed in this Section*.
- b. *Permit Required.* A Sign Permit shall be obtained as provided in Section 30-37.2(b)(5) of the Alameda Municipal Code and a Building Permit shall be obtained as provided in Sections 6.3 and 13-1 of the Alameda Municipal Code.
- c. *Purpose.* The purpose of this Section is to provide standards to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials,

Approved as to Form

CITY ATTORNEY

location, installation and maintenance of all forms of outdoor advertising, as defined in Section 30-2. The City finds that signs are important to the economic life and welfare of the City. However, when placed in an improper manner or used to an excessive extent, signs may be detrimental to the public safety and welfare. The public interest, conservation of property values, encouragement of orderly city development, aesthetic values and protection of the public health, safety and welfare therefore require that the use of signs be regulated.

- d. *Intent.* The objectives of the regulations in this Section are to:
1. Enhance the appearance and economic value of the community by regulating the quantity, size, type, location, design and maintenance of signs;
  2. Encourage signs which are compatible with adjacent land uses;
  3. Encourage a high quality design with a minimum of clutter;
  4. Encourage signs which are well designed and pleasing in appearance;
  5. Provide a reasonable and constitutional system of sign control;
  6. Conveniently direct persons to various activities and enterprises in the city;
  7. Reduce traffic and safety hazards through proper location and design of signs; and
  8. Prevent uncontrolled sign competition which is costly to business and visually unattractive to the community.

### **30-6.2 Definitions**

As used in this section:

*Abandoned sign* shall mean a sign, or part of a sign, or any structure that does or once had supported a sign, which has not, for a period over 30 days, displayed the identity of a business, lessor, owner, product, service or activity on the premises where the sign and/or structure is located.

*Affiliation sign* shall mean any sign whose sole purpose is to identify membership in an association of businesses, such as credit card companies, association membership, trading stamps.

*Auto Dealership* shall mean an establishment whose principal activity is the sale of new or used motor vehicles.

*Auto row* shall mean the parcels fronting on both sides of Park Street between the Park Street Bridge on the north and the north side of Lincoln Avenue on the south, including adjacent parcels contiguous to ones with frontage on Park Street under ownership or lease to auto dealers, and including adjacent portions of Blanding Avenue, Buena Vista Avenue, Pacific Avenue, Tilden Way and Lincoln Avenue which abut parcels under ownership or lease to auto dealers.

*Awning* shall mean a hood or cover which projects from a wall of a building, which is primarily intended to provide shade and shelter, and which is typically made of canvas or aluminum or similar materials, and may be fixed in place or retractable.

*Balloon* shall mean an inflated is filled with hot air or a gas lighter than air.

*Banner* shall mean a sign not made of rigid material either enclosed or not enclosed in a rigid frame, which is temporarily mounted or attached to either poles, trees or buildings, and may be placed as to allow movement of the sign by the wind.

*Borderless sign* shall mean a sign composed of parts of a message without a single border enclosing any of the parts.

*Building frontage* shall mean the portion of an exterior building wall which faces a public street, walkway or parking lot. When separated by interior walls, more than one (1) kind of business may be considered a separate place of business although operated within the same building by the same owner.

*Bulletin Board sign* shall mean a sign used to display announcements relative to a public, charitable, religious or fraternal institution.

*Business* shall mean an organization involved in the provision of goods or services, including transitory residential uses such as motels and hotels but excluding multiple residential uses.

*Business complex* shall mean five (5) or more businesses located on one (1) or more parcels of land sharing common pedestrian or vehicular access or parking facilities.

*Business park* shall mean industrial or commercial development in all industrial, manufacturing zones designated in part by the letter M, which contain at least five (5) different businesses with a combined gross floor area of at least fifty thousand (50,000) square feet.

*Commemorative plaques* shall mean memorial signs and tablets, building name and erection date, symbols and similar emblems that are a permanent design element of a building or other structure.

*Construction sign* shall mean a sign which identifies the persons, firms or businesses directly connected with a construction project.

*Dilapidated sign* shall mean a sign that is no longer in a good state of repair, and is not visually attractive and functional, or has become a health or safety hazard.

*Directional sign* shall mean an on-site sign which is designed and erected solely for the purposes of directing vehicular and pedestrian traffic within a project. Such a sign shall contain no advertising copy.

*District* shall mean any zoning district designated in the zoning regulations of the City.

*Directory sign* shall mean an identification sign listing the tenants of a building, complex or multi-tenant space. Directory signs shall not include any logos or advertising.

*Double-faced sign* shall mean a sign constructed to display its message on the outer surfaces of two (2) identical and/or opposite parallel planes.

*Exterior display wall* shall mean a colonnade or a wall with openings designed as an architectural feature at the front edge of an automobile dealership's display lot, designed to provide continuity with adjacent buildings and to improve appearance at the sidewalk.

*Externally illuminated* shall mean illumination by a light source located outside of and not attached to the surface of the sign. Illuminated tubing and strings of lights outlining portions of buildings shall be considered externally illuminated signs.

*Erected* shall mean attached, altered, built, constructed, reconstructed, enclosed or moved, and shall include the painting of wall signs.

*Face of sign* shall mean the entire surface of a sign upon which copy can be placed.

*Flag* shall mean any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol.

*Flashing sign* shall mean any sign which is perceived as an intermittent or flashing light.

*Fraternal organization* shall mean a group of people associated or formally organized for a common purpose, interest or pleasure, which shall include lodges, social halls, and union halls.

*Freestanding sign* shall mean a sign fixed in an upright position on the ground not attached to a building or any structure other than a framework or device, erected primarily to support the sign.

*Fundraising event sign* shall mean a temporary sign announcing a *fundraising* drive or event of a civic, philanthropic, educational or religious organization. Political *campaign* signs are not included under this category.

*Garage sale sign* shall mean a sign with a message advertising the resale of personal property that has been used by the resident.

*Governmental buildings.* For the purpose of this article, shall mean and include: City, County, State and Federal buildings.

*Grand opening sign* shall mean a temporary sign or banner erected one (1) time only for a limited period of time to announce the opening of a new business.

*Height* shall mean the vertical distance from the uppermost point used in measuring the area of a sign to the ground immediately below such point or the level of the upper surface of the nearest curb of the street upon which the sign fronts, whichever measurement is the greatest.

*Historic sign* shall mean any signs that have been determined by the Historic Advisory Board to have historic merit.

*Identification sign* shall mean a sign which serves to tell only the name, address, business and/or profession of the occupant, or use of the building upon which the sign is located, and which may include an emblem, insignia or logo.

*Illegal sign* shall mean a sign erected in violation of the laws in effect at that time, and not in conformance with the regulations of the Alameda Municipal Code at the time of adoption of this article.

*Informational sign* shall mean any sign which is designed and erected solely for the purpose of communicating information for the safety or convenience of the public, such as telephone, danger, rest rooms.

*Institutional uses* shall mean uses such as schools, churches, fraternal organizations, community, governmental, and public recreational facilities, hospitals and convalescent homes.

*Internally illuminated* shall mean a sign whose light source is located in the interior of the sign so that the rays go through the face of the sign.

*Light source* shall mean a bulb or tube from which light is emitted when it is activated, including but not limited to incandescent filament bulb, electric discharge bulb, neon tube, and fluorescent tube.

*Marquee* shall mean a permanent structure extending over the entrance to a building, attached to and supported by the building or freestanding and self supporting.

*Menu reader board* shall mean any sign intended to provide information to patrons while using a drive-through facility.

*Menu, window sample* shall mean a copy of a restaurant's regular tableside or take out menu(s), placed in the window for the intent of allowing pedestrians to view such information as the restaurant's food items, hours of availability and prices.

*Moving sign* shall mean a sign which has any actual or apparent moving parts, activated in any way by mechanical or electrical devices or by wind currents. Signs which change or appear to change color or intensity of lighting shall be included.

*Multiple-faced sign* shall mean a sign constructed to display its message on a curbed surface or on two (2) or more planar surfaces.

*Nonconforming sign* shall mean any advertising structure or sign which was lawfully erected and maintained prior to the adoption of this article, and which has subsequently come under the requirements of this article, with which it does not completely comply.

*Nonilluminated* shall mean neither directly nor indirectly lighted and containing no material that is made for the purpose of being reflective or fluorescent.

*Official sign* shall mean a sign or signs required by governmental body to discharge its legally required function.

*Off-premises directional sign* shall mean a sign identifying a publicly owned facility, emergency facility, tenants within a business park, temporary subdivision signs, which are no greater than thirty (30) square feet in area. Such facilities and business parks may have no more than two off-premises directional signs. Real estate signs are not included in this definition.

*Off-premises sign* shall mean any sign identifying a use, facility, service or product which is not located, sold, or manufactured on the same premises as the sign or which identifies a use, service or product by a brand name which, although sold or manufactured on the premises, does not constitute the principal item for sale or manufactured on the premises.

*On-premises sign* shall mean any sign identifying a use, facility, service or product which is located, sold, or manufactured on the same premises as the sign.

*Parking lot* shall mean an area of land which is accessible and usable for the off-street parking of motor vehicles, except for land designated for product display by new and used automobile dealers.

*Pennant* shall mean a long, narrow, usually triangular flag.

*Permanent sign* shall mean any sign for which a sign permit is issued with no time limit in accordance with the provisions of this article. Any mention of signs in this Article shall be considered to mean permanent signs unless there is a specified time limit or reference to temporary (e.g., promotional) signs.

*Political campaign sign* shall mean a sign designed for the purpose of advertising support of or opposition to a candidate or proposition for a public election.

*Portable freestanding sign* shall mean a sign that is designed to be movable and is not structurally attached to the ground, a building, structure, or any other sign. Included are signs built in the configuration of an "A" or an "T" frame, and signs mounted on rollers or slides.

*Privilege sign* shall mean a standardized sign supplied at nominal cost or free to a retailer where a portion of the sign face identifies the products of a regional or national distributor or manufacturer available only incidentally on the premises, and a portion of the sign identifies the local retailer. Signs identifying the primary commodity, service or activity available on the premises, such as signs for auto dealerships, gasoline stations and chain stores and businesses, shall not be included in this category.

*Promotional sign* shall mean any temporary sign or device (other than permanent signs used to identify the business' or organization's name) used for advertising, examples of which include but is not limited to the promotion of limited time offers of gifts, products or sale prices.

*Projecting sign* shall mean any sign which is suspended from or supported by a building or wall and which projects outward therefrom. Signs suspended under a porch or permanent walkway covering shall be included.

*Real estate sign* shall mean a type of temporary sign indicating that a property or any portion thereof is open for inspection, for sale, for rent, or otherwise available or directing people to such a property. Temporary subdivision signs are not included under this definition.

*Recreational facilities* for the purposes of this article, shall mean and include public parks, and facilities for physical recreation such as golf, tennis, swimming and boating.

*Reflective sign* shall mean a sign which is not electrically illuminated, but which responds to light, such as from passing auto headlights by shining or glowing.

*Roof sign* shall mean any sign erected upon or above the roof or parapet of any building, including any porch, marquee, walkway covering, or similar roof like structure.

*Seasonal decorations* shall mean temporarily erected greetings, ornamentation and displays that relate to an established and recognized holiday, such as July 4 or Christmas, which contain no advertising.

*Seasonal sales sign* shall mean a temporary sign or banner erected for a limited period of time to identify a seasonal business such as Christmas tree lots.

*Sign structure* shall mean any device whose primary function is to support a sign.

*Single-faced sign* shall mean a sign constructed so that its message is displayed on a single plane, and is viewable from only one (1) side of the plane.

*Streamer* shall mean any, ribbon-like flag or banner that relies on wind motion to attract attention.

*Subdivision sign* shall mean a sign containing the name, location, or directions to a builder, developer, and pertinent information about a subdivision for which there is a properly approved and recorded map, and in which homes or units in a building remain to be constructed, completed or initially sold.



*Temporary sign* shall mean any sign or advertising display, including all forms of “promotional signs” as defined by this Section, which is typically but not necessarily either made of paper, poster board, cardboard, cloth, canvas, fabric, plywood or other light materials, or painted directly onto windows, and is designed or intended to be displayed for a short period of time.

*Vehicular sign* shall mean a vehicle which has a sign mounted or painted thereon which is used primarily as the sign structure and not as a vehicle.

*Wall sign* shall mean any outward-facing sign affixed to a building or fence, at no point projecting more than six (6”) inches horizontally from the surface upon which it is attached.

*Window display* shall mean any collection of merchandise or artifacts, arranged in a 3-dimensional display behind a window, typically intended to provide pedestrians with a visual display of the items available for sale. The term “window display” excludes “window sign” as defined by this Section, but may include incidental price labels on the items being displayed.

*Window sign* shall mean any sign: (a) painted on, affixed to, or placed adjacent to, a window, door or opening or located inside within a distance of 3’ or less from a window, door or opening, or any sign located behind a window or door or within an opening; and (b) designed to be viewed from the outside of the building. The term “window sign” excludes “window display” as defined by this Section.

### **30-6.3 General Requirements on On-Premises Signs**

This subsection provides regulations pertaining to all On-Premise signs, and prescribes the maximum number of permanent on-premises signs and temporary promotional on-premise signs, and the maximum total area of such signs, that is permitted. The following subsection, “30-6.4 Requirements by Sign Type,” prescribes additional limitations for the placement and size of specific types of permanent on-premises signs.(e.g. “awning,” “wall,” “window” signs)

- a. *Regulations Pertaining to All On-Premise Signs:*
  1. *Permit Required for All Permanent Signs.* In order to assure compliance with the regulations of this Section, no permanent sign (including signs that do NOT require building permits) may be installed until a Sign Permit has been issued. Sign Permit applications shall be filed with the Planning Department, and reviewed by the Planning Director, or person so designated.
  2. *Banners May Not Be Used as Permanent Signs.* Except where permitted as a temporary grand opening sign, banners may not be used as a sign to identify a business. Banners, regardless of mounting, may not be used as a permanent sign. Signs Not Included in Allowable Maximums. Exempt signs, temporary signs other than promotional signs, and conforming off-premises signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site.
  3. *Maximum Permitted Area of Any One Individual Sign.* The maximum area for any sign shall be fifty (50) square feet unless a smaller area is required by other regulations prescribed in the Section.

b. *Number of Signs Allowed:*

1. The maximum number of permanent on-premises signs per first floor use allowed for each building frontage in any zoning district is two (2), exclusive of directional signs and window signs.

2. The signs may be multiple-faced and in any combination except that a business or other use, other than a use with a drive through facility, may not have:

(a) More than one (1) freestanding sign per lot.

(b) More than one (1) projecting sign per use.

(c) A combination of one (1) projecting sign and one (1) freestanding sign.

3. Notwithstanding the above prohibition on more than one (1) freestanding sign, uses with drive through facilities may be allowed to install a maximum of two (2) additional freestanding signs, but only to serve as menu reader boards and primarily viewable only from vehicles in the use's driveway.

4. The allowable number and type of business oriented directional signs shall be approved on an individual basis by the Planning Director.

5. See Subsection 30-6.3 c.1.( c ) below for number of signs allowed for non first floor uses.

c. *Sign Area Allowed:*

1. *Business.* The maximum total sign area shall be determined by measuring the building frontage of the business.

(a) Except as provided in subsection (c) below, the total allowable sign area for a first floor business with a single building frontage shall be one (1) square foot of sign area per linear foot of building frontage, with a minimum allowed sign area of up to twenty-five (25) square feet and a maximum of one hundred (100) square feet.

(b) For a first floor business with more than one (1) building frontage, or which occupies more than one (1) building, each building frontage shall be considered separately. The total sign area for any single first floor business shall not exceed one hundred fifty (150) square feet.

(c) Multiple occupancy building

(1) First floor tenants whose businesses are visible from a public street, walkway or parking lot shall be entitled to a sign area based on the amount of building frontage used by that tenant, with an allowed sign area of up to twenty-five (25) square feet.

(2) Second story tenants shall be entitled to either: one (1) window identification sign which shall not occupy more than twenty-five (25%) percent of the area of any one window; or one (1) awning sign no larger than five (5) square feet.

(3) Tenants above the first floor level, and tenants whose businesses are not visible from a public street, shall be entitled to signs as part of a directory sign, either freestanding or mounted on the building frontage; three (3) square feet maximum per tenant.

d. Home occupation: No signs shall be allowed.

2. *Non-residential Complexes, Shopping Centers, Residential Subdivisions, Mixed-Use Projects, Historic Districts and other Planned Development Projects:*

(a) Individual standards shall be set for each project. Requirements for similar uses discussed in this article shall serve as guidelines.

- (b) All signs, temporary and permanent, shall be approved by the Planning Director pursuant to a coordinated signing program. The program shall coordinate the following items:
  - (1) Location, number, size and mode of display.
  - (2) Colors, materials and illumination.
  - (3) Temporary signs: duration of use.
- 3. *Multiple-Residential*. The maximum total sign area for multiple-residential development shall be as follows:
  - (a) Apartments, condominiums [three to ten (3-10) units]: Ten (10) square feet.
  - (b) Apartments, condominiums [above eleven (11) units]: Twenty (20) square feet.
  - (c) Rooming/Boarding houses: Ten (10) square feet.
  - (d) Convalescent homes: Fifteen (15) square feet.
  - (e) Bed and breakfast facilities: Four (4) square feet.
- 4. *Professional Office*. The maximum total sign area shall be as set forth in Subsection 30-6.3 c. 1. above for businesses, plus the following maximum total sign area per building frontage:
  - (a) Residential districts: Five (5) square feet.
  - (b) All other districts: Twenty (20) square feet identification sign, and a directory sign, three (3) square feet per tenant up to a maximum of thirty-six (36) square feet.
- 5. *Hospitals*. The maximum total sign area shall be one hundred fifty (150) square feet.
- 6. *Religious, Educational, Governmental, Recreational*. The maximum total sign area shall be twenty (20) square feet.
  - (a) Nursery schools, day care, group care and family care centers: Fifteen (15) square feet.
- 7. *Charitable, Social, Fraternal, Union*. The maximum total sign area shall be fifteen (15) square feet.
- 8. *Construction Site*: One (1) on-premises temporary sign not exceeding thirty-six (36) square feet in area. Duration shall be limited to the period of construction. (A Use Permit is required in all residential zoning districts, as regulated under Section 30-21.3.)

#### **30-6.4 Requirements by Sign Type**

- a. *Calculation of Sign Area*.
  - 1. *Single-faced signs*: The area shall be that within the outer-most border or edge of the sign.
  - 2. *Double-faced signs*: The area shall be that within the outermost edge of one (1) face of the sign.
  - 3. *Multiple-faced signs and three (3) dimensional shapes*: The area shall be the area of their maximum projection upon a vertical plane.
  - 4. *Borderless Signs*: The area shall be that within a single polygon drawn with straight lines and right angle corners to enclose all sign parts.
  - 5. *Awning Signs*: The area shall be the sum of the sign areas on each plane of the awning. The area of each sign shall be calculated in the same manner as for borderless signs.

6. *Sign-Support Structures*: The area of sign-support structures other than posts or brackets, shall be calculated as sign area only when the appearance of such structures attracts attention for advertising, instructional or informational purposes.
7. *Directional Signs*: The area of business oriented directional signs shall be included within the total allowable sign area for the site.

b. *Wall Signs.*

1. Signs shall be located only on building frontages which are adjacent to a public street, walkway or parking lot.
2. Signs shall not at any point project from the surface upon which they are attached more than required for construction purposes and never more than six (6) inches.
3. Signs shall be placed no closer to either side of an adjacent business wall than a distance equal to ten (10%) percent of the length of the wall. Signs placed closer shall be subject to twenty-five (25%) percent loss in total allowable sign area.

c. *Window Signs.*

1. Signs shall be permitted only for windows, doors or openings as set forth in the definition of "window sign" that are located on the first and second floors of the building frontage.
2. Signs shall be mounted on the inside of or painted on windows, doors or openings as set forth in the definition of "window sign".
3. No Permanent and/or Temporary window sign shall be larger than ten (10) square feet, and shall not occupy more than twenty-five (25%) percent of the area of any one (1) window. For the purposes of this section window shall mean the area defined by the framing of the window. Exempt signs, as described in Subsection 30-6.7, and window displays as defined by this Section, shall not be considered "window signs" for the purpose of determining compliance with this sub-section.

d. *Projecting Signs.*

1. Signs shall be mounted only on the building frontage of a business.
2. Signs shall not be permitted for residential uses.
3. Signs shall be limited to street level for street level uses.
4. The design configuration and location of the sign shall not block the visibility of other signs on adjoining businesses.

(a) Projection and area:

Business Frontage	Maximum Projection	Maximum Sign Area
30 ft. or more	6 ft	25 sq. ft
29 ft. or less	4 ft.	20 sq. ft.

- (1) No sign shall project above the eave line of a building, or a sill of a second story window.
- (2) All signs shall have a minimum vertical clearance of eight (8') feet from the ground to the bottom of the sign or sign structure.
- (3) No sign shall project within two (2') feet of a curb line.
- (b) Side set in for businesses with building frontage sharing common sidewalks:
  - (1) Businesses with a building frontage of more than thirty (30') feet, the sign shall be set in a minimum of fifteen (15') feet from each sidewall.

- (2) Businesses with a building frontage of thirty (30') feet or less, the sign shall be centrally located; adjacent businesses may stack signs along a common side wall if the signs are of compatible designs and material.
  - (c) Thickness: The maximum thickness of a projecting sign shall not exceed that required for construction purposes, and not exceed six (6) inches.
- e. *Awning Signs.*
  - 1. Signs shall be located only on the building frontage of a business.
  - 2. Signs shall be limited to street level and second story occupancies.
  - 3. Signs may be located on more than one (1) plane of an awning and shall be considered as one (1) sign.
  - 4. The maximum sign area for an awning sign shall be thirty-six (36) square feet.
  - 5. The design configuration and location of the awning shall not block the visibility of other signs on adjoining businesses as seen by passersby on the street.
- f. *Freestanding Signs.*
  - 1. Signs shall not be permitted in areas zoned for residential use, except for institutional uses.
  - 2. There shall be a minimum of seventy-five (75') feet between any two (2) freestanding signs. The purpose of this provision is to avoid one (1) freestanding sign blocking the visibility of another sign on an adjoining site.
  - 3. The maximum height for freestanding signs shall be as follows:
    - (a) Identification sign: Twelve (12') feet.
    - (b) Subdivision and construction sign: Ten (10') feet.
    - (c) Directory sign: Eight (8') feet.
    - (d) Directional and informational sign: Six (6') feet.
    - (e) Exempt signs: Six (6') feet.
  - 4. Signs shall not project over public property or vehicular easement or right-of-way.
  - 5. Landscaping shall be provided at the base of the supporting structure or the freestanding sign shall be incorporated into landscaped areas as determined by the Planning and Building Director.
  - 6. Sign area shall be allowed as follows:
    - (a) Square footage allotted to a building may be transferred to a freestanding sign in lieu of its use on the building up to a maximum of thirty (30) square feet (area of one (1) face).
    - (b) When there is no building on the lot, or when a building does not cover the entire frontage of a lot, additional square footage for use on the freestanding sign shall be allowed at the rate of one-half (1/2) square foot per linear front foot of that portion of the lot on which there is no building, up to a maximum of thirty (30) square feet (area of one (1) face).
- g. *Marquee Signs.*
  - 1. Signs shall be mounted only on the front and sides of a marquee.
  - 2. Signs shall not project more than six (6") inches from the face of the marquee.
  - 3. Signs shall not extend above the top or below the bottom of the marquee.
  - 4. The maximum total area for marquee signs shall be twenty-five (25) square feet.

h. *Privilege Signs.*

1. The type of sign and its materials and colors shall be compatible with the architectural style of the building upon which it is to be located.
2. No more than twenty-five (25%) percent of the total sign area available under subsection 30-6.3 may be used to advertise the supplier of the sign.

i. *Directory Signs.*

1. Directory signs shall not display any logos or advertising.

**30-6.5 Variances Limited to Certain Provisions of Sign Regulations**

The provisions of Section 30-21 of this article shall apply only to subsections 30-6.3.b; "Number of Signs Allowed," 30-6.3.c; "Sign Area Allowed," and 30-6.4; "Requirements by Sign Type."

**30-6.6 Illumination of Signs**

- a. No artificial exterior light used for the purpose of lighting any sign shall be so located as to result in the directing of light on to or reflecting glare upon any adjacent property or public right-of-way.
- b. External light sources shall be directed and shielded to prevent direct illumination of any object other than the sign.
- c. No brightly illuminated signs shall be allowed in, or within two hundred (200') feet and facing any residential zoning district. (Exception: hospitals.)
- d. Light source shall utilize energy efficient fixtures.

**30-6.7 Signs Exempt**

The following types of signs shall be exempt from the provisions of these regulations:

- a. *Regulatory Sign.* Any sign erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance or governmental regulation.
- b. *Bench signs*, when located at designated public transit bus stops.
- c. *Commemorative plaques*, if installed and maintained by government agencies or recognized historical societies and organizations
- d. *Emblems and Symbols.* Religious symbols, legal holiday decorations and identification emblems of religious sects, orders or historical societies.
- e. *Vehicle Signs.* Signs on licensed commercial vehicles, including trailers; provided, however, that such vehicles shall not be utilized as parked or stationary outdoor display signs.
- f. *Business District Directory Signs.* Signs provided by the City for pedestrian identification of nearby businesses.
- g. *Address.* Street number and street name not exceeding two (2) square feet in area per single family or duplex unit, and four (4) square feet in area for all other uses.
- h. *Affiliation Sign.* Signs not exceeding one-half (1/2) square foot in area per sign, and six (6) in number per business.
- i. *Barber Pole*, but shall contain no advertising.

- j. *Flags.* Flags of any nation or political jurisdiction shall be exempt provided that the pole height for flags mounted on poles shall not exceed twenty-five (25') feet, except upon approval of a design review application which includes photographs and drawings submitted by the applicant, in order to achieve compatibility of scale with nearby large buildings and landscaping, and provided that the length of the flag shall be no more than one-quarter (1/4) of the height of the pole. Weather flags, nautical flags and pennants when displayed on boats, in marinas, or on any land area within fifty (50') feet of water frontage, shall be exempt provided that they shall be primarily viewed from the water and void of any commercial intent.
- k. *Gasoline Sign.* Pump signs identifying the type and octane rating shall be permanently affixed to the pump, not to exceed two (2) square feet in size and two (2) in number per pump for each gasoline type dispensed. Price signs readable from adjacent streets shall be in accordance with the requirements of the Business and Professional Code of California as to wording, coloring and size of letters and numerals, and shall not exceed five (5) square feet in area.
- l. *Historic Sign.* Any signs that have been determined by the Historic Advisory Board to have historic merit.
- m. *Hours of Operation Signs.* Signs displaying such information as the hours of operation, emergency contacts and whether or not a business is open or closed. Such signs shall not exceed two and a half (2.5) square feet.
- n. *Interior Sign.* Signs located within the interior of any building, mall, arcade, complex or structure and not visible from any public street, walkway or parking lot.
- o. *Residential Nameplate.* One (1) sign not exceeding two (2) square feet in area per single family or duplex unit.
- p. *Crime Prevention Neighborhood Watch Signs.* Signs identifying an area participating in a Police Department approved Neighborhood Watch Program. The allowable number, location and design of said signs shall be approved on an individual basis by the Planning Director. Maximum sign area: three (3) square feet; minimum ground clearance: seven (7') feet; maximum height: nine (9') feet.
- q. *Signs Designating Drug Free Zones.* Signs identifying the City of Alameda as a Drug Free Zone area. Maximum sign area: three (3) square feet; minimum ground clearance: seven (7') feet; maximum height: nine (9') feet.
- r. *Hospital Directional Signs.* Off-premises signs directing uses to twenty-four (24) hour emergency care facilities. The copy of such signs shall consist of "H", and/or "Hospital", and/or an arrow and shall not contain any advertising in the form of the specific facility name or logo. The allowable numbers, location and height of said signs shall be approved by the Planning Director and City Engineer. The total sign area in square feet for all signs mounted on the same pole or other structure at each location shall not exceed three (3') feet in area, excluding arrow.
- s. *Non-commercial, Political, Religious or Public Service Signs.* Signs containing noncommercial, political, religious or public service messages provided that these signs are used exclusively to display such messages and comply with the applicable advertising structure controls in subsection 6-3 of chapter VI of this Code.

- t. *Menu, window display*, provided total area of posted menus does not exceed two (2) square feet (e.g., an area 12" by 24"). Window menu displays in excess of 2 square feet may be permitted as window signs, subject to the limitations on number of signs, and area of signs, prescribed by sub-sections 30-6.3 and 30-6.4.

### 30-6.8 Temporary Signs

In addition to exempt signs, and the permanent signs permitted by this Section, the following types of temporary signs are permitted, subject to the following regulations and limitations. All temporary signs, other than promotional signs, are exempt from the number and size limitations prescribed by sub-sections 30-6.3 and 30-6.4. The time limitations for specific types of temporary signs are prescribed below:

- a. *Closed for vacation or remodeling sign*. One (1) sign not exceeding two (2) square feet that specifies a reopening date and which is removed no later than the day following the reopening date.
- b. *Fundraising Event Sign*: One (1) sign not exceeding four (4) square feet in area per parcel or business for all parcels zoned for residential use, and sixteen (16) square feet in all other zoning districts; located on private property, with the owner's permission, for a maximum of thirty (30) days and removed within two (2) days after the event.
- c. *Garage Sale*: On-premises signs and directional off-premises signs, for not more than two (2) days prior to and removed within one (1) day after the sale.
- d. *Grand Opening Sign*: Signs or banners erected one (1) time only, for a maximum of thirty (30) consecutive days, and not exceeding fifty (50) square feet in area per sign. All grand opening signs shall state, using letters at least one (1) inch in height, the date the sign was installed.
- e. *Political campaign sign*: Temporary signs on behalf of candidates for public office and for or against ballot measures, to be removed no later than two (2) days after the election.
- f. *Promotional Sign*: One (1) window sign may be located inside or outside the glazed area of each building elevation with a street frontage, for a maximum of 30 consecutive days, and cumulative for a maximum of ninety (90) days per year subject to the limitations on maximum window sign area prescribed by subsection 30-6.4.c. All promotional signs shall state, using letters at least one (1) inch in height, the date the sign was installed.
- g. *Real Estate Sign*: Real estate signs may be located in any zoning district, but may only be located on private property (subject to the granting of the owner's permission), and are subject to the following limitations:
  - 1. On-premises signs shall be located in accordance with the following:
    - (a) One (1) on-premises sign is permitted for the time period that the indicated property is available for sale or rent. For single family dwellings or duplexes, the sign area shall not exceed four (4) square feet in area. For multi-family dwellings, commercial, or industrial uses, the sign area shall not exceed sixteen (16) square feet in area.
    - (b) In addition, one (1) on-premises sign indicating the property is open for inspection not exceeding four (4) square feet in area. This sign may not be placed more than two (2) hours prior to the open house and must be removed within two (2) hours after the open house.



- (c) In addition, up to three (3) on-premises sign riders indicating information such as the agent's name and phone numbers, home warranties offered, or instructions on viewing the property. Each rider shall not exceed one (1) square foot.
- 2. Off-premises signs are limited to a maximum of six (6) per open house, not exceeding four (4) square feet in area per sign. Signs may not be placed on public property except for medians of public roads and sidewalks. Signs may not be placed on medians or sidewalks in a manner which obstructs pedestrian or vehicular traffic, or lines of sight. These signs may not be placed more than two (2) hours prior to the open house and must be removed within two (2) hours after the open house.
- h. *Seasonal Decorations*. Seasonal decorations are permitted, providing that they are not installed more than forty-five (45) days prior to, and removed not more than seven (7) days after a holiday.
- i. *Seasonal Sales Signs*. Signs to identify a seasonal business may be erected for a maximum of thirty (30) consecutive days. Wall, fence, free-standing signs and banners shall not exceed twenty-five (25) square feet in total area. The same signs cannot be reused for sixty (60) consecutive days. Dilapidated signs cannot be reused. Permission shall be obtained from the Planning and Building Director unless exempt under subsection 6-3.7
- j. *Special Event Signs*. Signs or banners with a holiday message identifying a civic or public event or holiday, and erected in any zoning district on private property with the owner's permission for not more than thirty (30) consecutive days and are removed within two (2) days following the event. Permission shall be obtained from the Planning and Building Director unless exempt under Section 6-3.6. Banners to promote such special events may be located within vehicular rights-of-way, subject to the approval of the City Manager, and compliance with Bureau of Electricity, Building Inspection and Public Works Department regulations. California State Department of Transportation approval may also be necessary for banners within the vehicular rights-of-way.

### 30-6.9 Prohibited Signs

- a. *Obscene or Offensive to Morals*. Signs containing statements, words, or pictures of an obscene, indecent or immoral character which appeal to the prurient interest in sex, or which are patently offensive and do not have serious literary, artistic, political or scientific value are prohibited.
- b. *Hazards to Traffic*. Other than when used for traffic direction, signs which contain or are an imitation of official traffic signs or signals are prohibited. No sign shall be erected in such a manner that its size, location, content, colors, or illumination will interfere with, obstruct, confuse or mislead traffic.
- c. *Hazards to Exits*. No sign shall be erected in such a manner that any portion of the sign or its support is attached to, or will interfere with, the free use of any fire escape, exit, or standpipe. No sign shall be erected which will obstruct any required stairway, door, ventilator or window.
- d. *Roof Locations*. Signs erected upon or extending above any part of a roof or false roof structure are prohibited.
- e. *Motion Devices*. Signs utilizing flashing lights, changing of color intensity, or mechanical moving parts are prohibited including all moving signs. (Exceptions: historic signs, barber

poles and, with a Use Permit, animated signs but only if determined by the Use Permit to have outstanding artistic merit.)

- f. *Excess Area.* Signs in excess of fifty (50) square feet.
- g. *Windblown Devices.* Except for exempt flags and banners, use of windblown or inflatable devices of any type is prohibited, including the production of smoke, bubbles, sound, or other substances.
- h. *Portable Freestanding Sign.* Portable freestanding signs are prohibited except for temporary service station and real estate signs on medians of public roads and sidewalks. Such temporary service station and real estate signs may not be placed on medians or sidewalks in a manner which obstructs pedestrian or vehicular traffic, or lines of sight.
- i. *Signs on Vehicles.* No vehicle may be used as a platform or substitute for a billboard or any other type of sign, whether on private property or within a public right-of-way.
- j. *Natural Despoliation.* Signs cut, burnt, limed, painted or otherwise marked on a rock, tree or field are prohibited.
- k. *In Storage.* Signs shall not be located on a premises so as to be visible from off of the site prior to erection or while in storage.
- l. *Dilapidated Signs,* except Historic Signs.
- m. *Abandoned Signs,* except Historic Signs.
- n. *Miscellaneous Signs and Posters.* The posting or painting of signs not otherwise defined or permitted in this article.

### **30-6.10 Abatement of Nonconforming On-Premises Signs**

Any on-premises sign which does not conform to the regulations of this section shall be removed by the owner or possessor thereof within the period of time prescribed herein and the surface on which the sign was mounted or attached shall be patched, painted and otherwise repaired to remove all evidence of the former sign.

- a. Signs with the following prohibited characteristics shall be abated immediately:
  - 1. Obscene or offensive to morals.
  - 2. Hazard to traffic.
  - 3. Hazard to exits.
  - 4. Vehicular sign.
  - 5. Portable advertising signs.
- b. The following prohibited signs shall be abated within thirty (30) days:
  - 1. Motion devices.
  - 2. In storage signs.
  - 3. Wind blown devices.
  - 4. Abandoned signs.
    - (a) Continuation of abandoned sign: The owner or future user of an abandoned sign who desires to make subsequent use of the sign itself shall, within thirty (30) days of the abandonment, give written notification to the Planning & Building Director, and if approved by the Planning & Building Director resume use of the abandoned sign within thirty (30) days of the Planning & Building Director's approval. In the case of a sign structure, such written notification shall be given within one hundred eighty (180) days of the date of abandonment and the structure reused within one (1) year of such date.

5. Dilapidated signs.
  6. Damaged Sign. Damaged to the extent of fifty (50%) percent of its current replacement value.
  - c. All other nonconforming on-premises signs shall be abated either after the expiration of the useful life of the sign(s) for Federal income tax purposes or after a period equal to the number of years obtained by dividing the total cost of the sign(s) when installed by five hundred (500), whichever comes first, provided however, that no less than three (3) years from the effective date of this section\* shall be allowed for amortization.
- \* Editor's Note: As added by Ordinance No. 2028 N.S. effective January 2, 1981.

### **30-6.11 Removal of Nonconforming Signs**

Any sign that is in noncompliance with the regulations of this section shall be removed prior to or upon the date designated for removal in the above abatement schedule. If the owner of, or the person or persons responsible for, the sign fails to remove the nonconforming sign, the owner of the premises upon which the sign is located shall be responsible for the removal of the sign and the work shall be done within ninety (90) days following the date of non-conformance. The procedure for the removal of all nonconforming signs shall be as follows:

- a. The Planning & Building Director, or his/her designated representative, may cause the removal of any nonconforming sign and supporting structure and shall charge the costs incurred against any of the following, each of whom shall be jointly and severally liable for said charges; provided, however, that any decision or determination of the Planning & Building Director may be appealed in accordance with the general provisions as set forth in paragraph c.:
  1. The permittee;
  2. The owner of the sign;
  3. The owner of the premises on which the sign is located;
  4. The occupant of the premises on which the sign is located;
- b. A sign and supporting structure removed by the City shall be held not less than thirty (30) days by the City, during which time it may be recovered by the owner upon payment to the City for costs of removal and storage. If not recovered prior to expiration of the thirty (30) day period, the sign and supporting structures shall be declared abandoned and title thereto shall vest in the City and the cost of removal shall be billed to the owner.
- c. A person appealing the decision of the Planning & Building Director shall file a notice of appeal with the Secretary of the Planning Board within fifteen (15) days of the decision. The Planning Board shall hear the appeal. The decision of the Planning & Building Director shall be affirmed unless the appellant establishes that the sign(s) has not yet become nonconforming pursuant to subsection 30-6.15.
- d. Nothing in this subsection shall be construed to relieve the owner of the sign or the premises on which the sign is located, the permittee or the occupant of the premises on which the sign is located from the duty of removing sign(s) at the time required by this section.

- e. Removal by the Planning & Building Director, or his/her designated representative is an alternate procedure and nothing in this subsection shall be construed as a limitation on the authority of the City to abate nonconforming uses under this section as a nuisance pursuant to Section 1-5 of this Code. All nonconforming signs are declared hereunder, as well as under Section 1-5, a public nuisance.

### **30-6.12 Special Requirements for Auto Dealerships within Auto Row**

All other sign regulations shall apply to auto dealerships within auto row except as provided in this subsection:

#### **a. *Number of Signs Allowed.***

1. The maximum number of on-premises signs shall be six (6) per auto dealership, exclusive of directional signs, and a maximum of three (3) signs per building side. Signs may be posted on the street facade of a building or a building facade facing a parking lot, provided that the lot is used by the same dealership.
2. An exterior display wall shall be considered a building frontage for purposes of sign placement. All exterior display walls shall be subject to design review.
3. The signs may be multiple-faced and in any combination except that a business may not have:
  - (a) More than one (1) freestanding sign per lot;
  - (b) More than one (1) projecting sign per auto dealership;
  - (c) A combination of one (1) projecting sign and one (1) freestanding sign.
4. Directional Signs. Each auto dealership may have a maximum of three (3) vehicle oriented safety and directional signs solely for the purpose of guiding traffic, parking, and loading or private parking inside the property, and not bearing advertising materials or business identification. Maximum sign area shall be four (4) square feet. Maximum height for freestanding signs shall be four (4) feet. Additional directional signs may be permitted by design review, based on a finding of necessity. Directional signs shall not be included in the computation of total number of signs nor total signage allowed.

#### **b. *Sign Area Allowed.***

1. The maximum total sign area shall be determined by measuring the building frontage of the auto dealership.
  - (a) The total allowable sign area for an auto dealership shall be one (1) square foot of sign area per linear foot of building frontage, with a minimum of twenty-five (25) square feet and a maximum of two hundred (200) square feet.
  - (b) A component or department of an auto dealership, such as service and repair, which is on a separate parcel from the dealership shall be considered a separate business but shall comply with all sign regulations of Section 30-6, and the additional provisions of subsection 30-6.12 shall not apply.
  - (c) The maximum area for any sign shall be one hundred fifty (150) square feet.

#### **c. *Window Signs.***

1. Signs shall not occupy more than twenty-five (25%) percent of the window area, except that a larger percentage may be covered in conjunction with a special event for a maximum of four (4) periods per calendar year, but in no case is the time period to exceed twenty (20) days per year, subject to approval of the Planning & Building

Director, upon submission of a written request. Time periods during which such larger window displays are allowed shall be included in the total time for special events as specified under point (e)(1) below.

d. *Freestanding Signs.*

1. The maximum height of freestanding identification signs shall be twelve (12') feet.
2. Freestanding signs are not subject to the seventy-five (75) foot separation requirement set out in subsection 30-6.4(f)2 but shall be placed to assure no view blockage of existing signs.

e. *Special Events Decorations.*

1. Special events decorations, including banners, and flags, except balloons, pennants and streamers, may be permitted in conjunction with a special event for a maximum of four (4) periods per calendar year, but in no case is the time period to exceed twenty (20) days per year, subject to approval of the Planning & Building Director, upon submission of a written request. Time periods during which window displays covering more than twenty-five (25%) percent of the window area are allowed, as specified under point (c)(1) above, shall be included in the total time for special events.
2. Balloons, pennants and streamers may not be used at any time.

### **30-6.13 Off Premises Signs – General Regulations**

*Off-premises outdoor advertising signs, where permitted, shall not:*

- a. Exceed fifty (50) square feet.
- b. Be located on the roof of a building.
- c. Be located within:
  1. One thousand (1,000') feet of another off-premises outdoor advertising sign which does not conform to the provisions of paragraph a. where both of the signs do not conform to the provisions of paragraph a. or
  2. One hundred (100') feet of another off-premises outdoor advertising sign where one or both of the signs conform to the provisions of paragraph a.
- d. Excepting off-premises directional signs, be visible from a building or lot in a residential district.
- e. Excepting off-premises directional signs, be visible within one thousand (1,000') feet of any bridge, tunnel, dock or boat ramp.
- f. Be located so that a motorist would view the sign as adjacent to or behind a traffic signal or sign from a distance of one hundred (100') feet or less from the nearest curblin of the cross street at the intersection controlled by the traffic signal.
- g. Excepting off-premises directional signs, be located on a route designated on the General Plan as a scenic route.
- h. Excepting off-premises directional signs, be located on or adjacent to a parcel of land containing a structure listed on the historical building study list.
- i. Be located in residential or C-1 Districts.

### **30-6.14 Off Premises Directional Signs**

Off premises directional signs require use permit approval pursuant to subsection 30-21.3.

### **30-6.15 Off Premises Signs – Abatement Schedule**

Any off-premises sign which does not conform to the regulations of this section shall be removed by the owner or possessor thereof at the earliest of the following occurrences:

- a. The expiration of the useful life of the sign or signs for federal income tax purposes.
- b. The recovery of the owner's investment, including cost of installation, as measured by the sum of the net income earned. Net income earned shall mean gross revenues earned less expenses of operation and administration and a provision for ten (10%) percent return on invested capital.
- c. The passage of fifteen (15) years from the date of completion or acquisition of the sign; or
- d. The passage of five (5) years from February 16, 1973 (the effective date of Ordinance No. 1683); or
- e. One (1) year shall be added to the applicable paragraph a. through d. to compensate the owner for the cost of removal.

### **30-6.16 Conflicts with other Provisions**

- a. Where there is a conflict between the regulations of this section and the regulations of any other section of this Code, the regulations of this section shall prevail; provided, however, that the regulations of other sections shall prevail in the following cases:
- b. Where the regulations of any other section are more restrictive.
- c. Where a Planned Development District has been established in accordance with the procedure set forth in subsection 30-4.13 paragraphs a. through n. of this Code, provided that any such Planned Development District regulations shall include comprehensive sign regulations encompassing the entire Planned Development District area.
- d. Nothing contained in Section 6-3 of this Code, shall be construed to authorize or permit any sign prohibited or regulated by this section.

Section 4. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

\_\_\_\_\_  
Presiding Officer of the City Council

Attest:

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the \_\_\_\_\_ day of \_\_\_\_\_, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

---

Lara Weisiger, City Clerk  
City of Alameda